LEGAL REGIME OF LAND ADMINISTRATION UNDER THE ABUJA GEOGRAPHIC INFORMATION SYSTEM (AGIS)

BY

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BEING A THESIS SUBMITTED TO THE SCHOOL OF POSTGRADUATE STUDIES, AHMADU BELLO UNIVERSITY, ZARIA IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF MASTERS IN ARTS AND LAW – M.A. LAW

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AHMADU BELLO UNIVERSITY,
ZARIA

MAY, 2016

DECLARATION

I declare that the work in the thesis entitled "LEGAL REGIME OF LAND ADMINISTRATION UNDER THE ABUJA GEOGRAPHIC INFORMATION SYSTEM (AGIS)" has been carried out by me in the Department of Private Law, Faculty of Law, Ahmadu Bello University, Zaria. The information derived from the literature has been duly acknowledged in the text and the list of references provided. No part of this thesis was previously presented for another degree or diploma in this or any other institution.

Ukeme Ekpenyong EKRIKPO
M.A.LAW/LAW/59936/2013-14 **Signature** _____ **Date** _____

CERTIFICATION

This thesis entitled "LEGAL REGIME OF LAND ADMINISTRATION UNDER THE ABUJA GEOGRAPHIC INFORMATION SYSTEM (AGIS)" by Ukeme Ekpenyong EKRIKPO meets the regulations governing the award of the degree of Masters of Arts and Law – M.A Law of the Ahmadu Bello University, Zaria, and is approved for its contribution to knowledge and literary presentation.

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DEDICATION

This work is dedicated to God Almighty, for His Grace throughout the period of this study.

ACKNOWLEDGEMENTS

I appreciate my wife, Ozioma-Esther Ukeme Ekrikpo (Mrs.) and my two jewels, Amsel and Audrey Ukeme Ekrikpo who would stay up late at times to keep me company during my study. My profound gratitude goes to my supervisor Dr. A.M. Madaki who painstakingly, with love and patience vetted my work and encouraged me when I felt discourage to continue.

I thank immensely also Dr. F.I Akande (Mrs) who is a pillar or knowledge she spurred me to thinking beyond the usual horizon of thoughts. I also express my thankfulness to the Dean of Law Prof. Y.Y. Bambale for his words of advice when I commence the programmed and always took time to encouraged me with smiles each time I went to him with genuine academic concerns. I also thank Dr. Jacob Abiodun Dada (Associate Professor) Dean of Law, University of Calabar who has always been there all through my academic pursuit.

My special thanks goes to my six older siblings especially my one and only sister, Mrs. Mfonobong Ntuk and her husband Ambassador Emmanuel Ntuk (my Chief Executive Officer) who supported me in no little way to ensuring that I completed this study. I also appreciate my parents who always late at night to pray for me.

My spiritual father and his wife Pst. Dayo Olutayo and Pst Mrs. Bolu Olutayo of Good Tidings Bible Church, Utako, Abuja can never be forgotten, they always pray for me and anointed me higher heights and favour.

My colleagues Uno, Col. Ugwu, Sylvia, Abubakar have been very supportive, where I felt left out there were always there to update me.

Helen Egbunu who sat for hours, checking for typographical inconsistencies, I most profoundly appreciate.

My unreserved and unending gratitude goes to all relatives, friends, parents and my teachers whose names are not mention here due to space and time but whose contributions cannot be waved.

LIST OF TABLES

Table 2.0	Evaluation Focus -- -- -- -- -- -- --	16
Table 3.1	Data requirement and sources -- -- -- -- --	42
Table 3.2	Structure of the Applicant/Beneficiaries Survey -- -- --	45
Table 3.3	Land Related Departments -- -- -- -- -- --	46
Table 3.4	Structure of Institutional Survey interview -- -- -- --	47
Table 3.5	Summary of Applications According to States -- -- --	51
Table 3.6	Analytical framework -- -- -- -- -- -- --	55
Table 3.7	Phases with their Districts -- -- -- -- -- --	59
Table 5.0	Rates of Application and Allocation (2000-2009) – – –	81
Table 5.1	Mode of Acquisition -- -- -- -- -- -- --	82
Table 5.2	Acquisition of Land from AGIS (Estate Developers) – –	83
Table 5.3	Institutional Survey on Accessibility -- -- -- -- --	83
Table 5.4	Land Transactions Fees in the FCT -- -- -- -- --	86
Table 5.5	Numbers of Client -- -- -- -- -- -- --	90
Table 5.6	Summary of Revenue Remittances of AGIS -- -- --	91
Table 5.7	Issues on Land Charges (Estate Developer) -- -- -- --	92
Table 5.8	AGIS Staff Capacity -- -- -- -- -- -- --	93
Table 5.9	Rating of AGIS Performance -- -- -- -- -- --	95
Table 5.10	Processing for Land Acquisition -- -- -- -- --	96
Table 5.11	Processing for Land Acquisition (Estate Developers in FCT) --	96
Table 5.12	Data on rates of Revocation -- -- -- -- -- --	97
Table 5.13	Data on Reported Land Cases (2004-2010) -- -- -- --	98
Table 5.14	Assessment of AGIS Performance (institutional survey) -- --	100

Table 5.15 Bench Marking AGIS Activities -- -- -- -- -- 101

Table 5.16 Chi-square contingency table of AGIS assessment from Applicant/beneficiaries survey -- -- -- -- -- -- 104

LIST OF FIGURES

Figure 1	Conceptual Framework	7
Figure 2.0	Clustered indicators of good governance in land administration	26
Figure 2.1	Approach to Improving Governance in Land Administration	34
Figure 3.1	The Sampling Plan	49
Figure 3.2	Phases of the Federal Capital City	50
Figure 3.3	Area Councils of the FCT	50
Figure 3.4	Map of Nigeria showing the location of the Federal Capital Territory	60
Figure 4.0	AGIS Organizational structure	73
Figure 4.1	Summary of the Process of land allocation	77
Figure 5.0	Successful land Applicants	80
Figure 5.1	Ease of Access to Land	84
Figure 5.3	Rates of land charges	88
Figure 5.4	Rates of Monthly Incomes	89
Figure 5.5	Ease of Access to Information	99

LIST OF PLATES

Plate 4.1 Manual system of Land Administration in the FCT (1978-2003) -- 65

Plate 4.2 GIS, LIS, and DMS -- -- -- -- -- -- -- 74

APPENDIX

Appendix A	Applicant/Beneficiaries Survey -- -- -- -- --	120
Appendix B	Institutional Survey (AGIS) -- -- -- -- --	123
Appendix C	Institutional Survey (FCDA) -- -- -- -- --	126
Appendix D	Interview (Estate Developers) -- -- -- -- --	129
Appendix E	Institutional Survey Interview (AGIS) -- -- -- -- --	131

ABBREVIATIONS

LAAC	-	Land Allocation Advisory Committee -- -- --	62
LUAC	-	Land Use and Allocation Committee-- -- -- --	62,69
FCDA	-	Federal Capital Development Authority -- -- --	58,69
LAS	-	Land Administration System -- -- -- -- --	61,61
FCT	-	Federal Capital Territory -- -- -- --	63, 65,71,72
LUA	-	Land Use Act -- -- -- -- -- -- --	61
LIS	-	Land Information System -- -- -- -- --	64,74
GIS	-	Geographic Information System -- -- -- --	74
AGIS	-	Abuja Geographic Information System -- --	64,68,69,71
AMAC	-	Abuja Municipal Area Council -- -- -- --	58
IPA	-	International Planning Association -- -- -- --	62
MFCT	-	Ministry of the Federal Capital Territory -- -- --	64
FCC	-	Federal Capital City -- -- -- -- -- --	70,71
FCTA	-	Federal Capital Territory Administration -- -- --	72

DEFINITIONS OF TERMS

Land Administration

Land administration is the process of determining, recording and disseminating information about ownership, value and use of land when implementing land management policy (UNECE Report 1996)

Land Management

Land Management is the activities associated with the management of land as a resource from both an environmental and economic perspective towards sustainable development (UN/FIG, 1999)

Good Governance

Good governance means that government is well managed, inclusive, and results in desirable outcomes, which is made operational through equity, efficiency, transparency and accountability, sustainability, Subsidiarity, civic engagement and security (FAO, 2007).

Land Policy

Land policy is the framework for determining how land should be used and conserved in order to meet social and economic objectives i.e. the definition of the rule of the law and how land can be owned and used.

Reform

The reorganization and improvement of something such as a political institution or system that is considered to be faulty, ineffective, or unjust .To change and improve something by correcting faults, removing inconsistencies and abuses, and imposing modern methods or values (Encarta, 2008)

Evaluation

Evaluation involves assessing the strengths and weaknesses of programs, policies, personnel, products, and organizations to improve their effectiveness. (American Evaluation Association, 1993)

Benchmarking

Benchmarking is an on-going, systematic process to search for and introduce international best practice into an organization, conducted in such a way that all parts of the organization understand and achieve their full potential (AusIndustry, 1995).

Best Practice

Operational practices which have proven successful in a particular circumstances. Best practices are used to demonstrate what works and what does not, to accumulate and apply knowledge about how and why they work in different situations and contexts (UNFPA, 2003)

Tenure security

Is defined as protection against eviction, the possibility of selling and transferring rights through inheritance; and/or the possibility of having a mortgage, and access to credit under certain conditions (FIG/UNCHS, 1998)

Land markets

It is the ways in which people gain access to land, although other means of access, such as inheritance, land allocations etc. Land markets are also mechanisms by which rights in land and housing, either separately or together, are voluntarily traded through transactions such as sales and leases. These transactions may take place in the formal land market, or may happen through informal channels.

ABSTRACT

Recent efforts to secure tenure and enhance real property markets are under pressure from increasing demand and competition for land. While limited success in implementing land administration reform in the FCT have led to inefficiency, incoherent and poor land management, have been recognized as one of the key obstacles hindering change and also undermining its huge potential and global competitiveness. This thesis assesses the extent land administration reform under AGIS has engendered positive outcomes in the FCT and the explanations for the outcomes, to determine the areas of shortcomings for improvement. Data collection for the research involved sample of 250 applicant/beneficiaries of land, drawn across seven districts to determine how land administration system in FCT has improved in practice. The institutional survey provided information on the management activities of land related departments and the operations of AGIS. It focused on the performance of the system in meeting the challenge of land acquisition. Good governance principles was considered as evaluation criterion in land administration systems, and identified six evaluation areas that has links to what aspects of the outcomes of land administration system is best affected by AGIS. The good governance principles were also used as benchmarking for a presumed ideal system. The research reveals that land administration in AGIS does not address unequal land distribution. Management, acquisition and disposal of public land follow unclear procedures and are not applied transparently. Formal land delivery takes an inordinate amount of time under the existing frameworks and land fees are unaffordable to many in the FCT. The survey reveals that only about 17% of good governance in land administration has been achieved by the Abuja Geographic Information System. In conclusion, the study recommends that Fairness and equity in land acquisition processes can be achieved by properly constituting and allowed to function, the Land Use and Allocation Committee (LUAC). AGIS workflow can be reorganized and state-of-the art technology installed for efficiency-, so that processes and procedures available for the acquisition of land would be clear and understood by the general public. Active participation of key stakeholders is necessary through the use of public hearings and citizen's forums.

TABLE OF CONTENTS

Title Page -- -- -- -- -- -- -- -- -- -- i

Declaration -- -- -- -- -- -- -- -- -- -- ii

Certification -- -- -- -- -- -- -- -- -- -- iii

Dedication -- -- -- -- -- -- -- -- -- -- iv

Acknowledgements -- -- -- -- -- -- -- -- -- v

List of tables -- -- -- -- -- -- -- -- -- -- vii

List of figures -- -- -- -- -- -- -- -- -- -- ix

List of plates -- -- -- -- -- -- -- -- -- -- x

Appendix -- -- -- -- -- -- -- -- -- -- xi

Abbreviations -- -- -- -- -- -- -- -- -- -- xii

Definition of terms -- -- -- -- -- -- -- -- -- xiii

Abstract -- -- -- -- -- -- -- -- -- -- xv

Table of Contents -- -- -- -- -- -- -- -- -- xvi

CHAPTER ONE
INTRODUCTION

1.1 Background to the Study -- -- -- -- -- -- -- 1

1.2 Statement of Research Problem -- -- -- -- -- -- 3

1.3 Research Question -- -- -- -- -- -- -- -- 5

1.4 The Hypothesis -- -- -- -- -- -- -- -- 5

1.5 Aim -- -- -- -- -- -- -- -- -- -- 5

1.6 Objectives -- -- -- -- -- -- -- -- -- 5

1.7 Scope and Delimitation -- -- -- -- -- -- -- 6

1.8 Conceptual Framework -- -- -- -- -- -- -- 7

CHAPTER TWO
CONCEPTUAL DISCOURSE ON LAND ADMINISTRATION

2.1 Need for Land Administration Reform and Policy – – – – 9

2.2 The Concept of Land and Land Administration System -- -- -- 11

2.3 Methods of Land Administration Evaluation – – – – 14

2.4 Limitations of Land Administration – – – – – – 17

2.5 The Benefits of Good Land Administration System -- -- -- -- 18

2.6 Land Policy and Land Administration Reform – – – – 22

2.7 Components of Governance in Land Administration -- -- -- 24

2.8 Principles of Good Governance in Land Administration – – – 26

2.9 Importance of Good Governance in Land Administration -- -- -- 32

2.10 Approaches to Improving Governance in Land Administration – – 33

2.11 Implications of Land Policy on Urban Development – – – 35

2.12 Successful Operational Practices in Land Administration Reform -- -- 36

2.13 Summary of Lesson Learnt From Case Studies -- -- -- -- 38

CHAPTER THREE
METHODOLOGY OF THE RESEARCH

3.1 Data Types and Sources – – – – – – – 41

3.2 Data collection methods -- -- -- -- -- -- -- 42

3.2.1.1 Applicant/beneficiaries Survey -- -- -- -- -- -- 43

3.2.1.2 Institutional Survey -- -- -- -- -- -- -- 45

3.2.2 The Data Collection Tools -- -- -- -- -- -- -- 47

3.2.2.1 Questionnaire Administration -- -- -- -- -- -- 47

3.2.2.2 Sampling Design and Field Procedure -- -- -- -- -- 48

3.2.2.3 Secondary Data Sourcing -- -- -- -- -- -- -- 51

3.3 Technique of Data Analysis and Presentation Method – – – 52

3.3.1.1 Analytical tool -- -- -- -- -- -- -- -- 52

3.3.1.2 Determination of the expected frequency -- -- -- -- -- 52

3.4 Framework for Assessment of AGIS activities – – – – 53

3.4.1 Equity, fairness and Accessibility -- -- -- -- -- -- 53

3.4.2 Efficiency and Effectiveness -- -- -- -- -- -- -- 53

3.4.3 Transparency, consistency and predictability: -- -- -- -- 54

3.4.4 Civic engagement and public participation: -- -- -- -- -- 54

3.4.5 Affordability -- -- -- -- -- -- -- -- -- 54

3.5 Data Presentation Method -- -- -- -- -- -- -- 55

3.6 Data Triangulation -- -- -- -- -- -- -- -- 56

3.7 Delimitation of Research Scope -- -- -- -- -- -- 56

3.8 Significance of the Study -- -- -- -- -- -- -- 57

3.9 The Study Area -- -- -- -- -- -- -- -- 57

CHAPTER FOUR
LEGAL REGIME OF LAND ADMINISTRATION IN THE FCT

4.1 Land Administration in Nigeria -- -- -- -- -- -- 61

4.1.1 The Laws Governing Land Administration -- -- -- -- -- 61

4.1.2 Land Advisory Bodies -- -- -- -- -- -- -- 62

4.2 Land Administration in the FCT -- -- -- -- -- -- 62

4.2.1 Creation of the Federal Capital Territory -- -- -- -- -- 62

4.2.2 Legal framework for land administration in the FCT – – – 63

4.2.3 Land Administration Practices in the FCT(1978-2003) -- -- -- 63

4.2.4 Problems of Land Administration in the FCT (1978-2003) -- -- 65

4.3 The 2003 Land Administration Reform in the FCT -- -- -- 67

4.3.1 Goals and Objectives of the Reform -- -- -- -- -- 68

4.3.2 Components of the Reform -- -- -- -- -- -- -- 69

4.3.2.1 The Land use and allocation committee (LUAC) – – – – 69

4.3.2.2 Abuja Geographic Information System (AGIS) -- -- -- -- 69

4.3.2.3 Urban and Regional Planning Department -- -- -- -- -- 70

4.4 The AGIS in Context -- -- -- -- -- -- -- 71

4.4.1 The Mandate and Operational Structure of AGIS – – – – 71

4.4.2 The Activities of AGIS -- -- -- -- -- -- -- 74

4.2.3 The Procedures of AGIS -- -- -- -- -- -- -- 75

CHAPTER FIVE
ANALYSIS OF LAND ADMINISTRATION BY AGIS

5.1 Introduction -- -- -- -- -- -- -- -- -- 79

5.2.1 Principle of Equity, Fairness and Accessibility -- -- -- -- 79

5.2.2 Principle of Transparency -- -- -- -- -- -- -- 85

5.2.3 Principle of Affordability -- -- -- -- -- -- -- 85

5.2.4.1 Principle of Effectiveness -- -- -- -- -- -- -- 92

5.2.4.2 Institutional Survey on Effectiveness -- -- -- -- -- 93

5.2.5 Principle of Efficiency -- -- -- -- -- -- -- 95

5.2.6 Principle of Civic Orientation -- -- -- -- -- -- 98

5.3 Performance Assessment of AGIS (Institutional survey) – – – 100

5.4 Benchmarking and Hypothesis Testing -- -- -- -- -- 100

5.4.1 Benchmarking the AGIS Performance -- -- -- -- -- 100

5.5 Statistical Analysis of Findings -- -- -- -- -- -- 103

5.6 Urban Development Implications -- -- -- -- -- -- 104

CHAPTER SIX
SUMMARY AND CONCLUSION

6.1 Summary -- -- -- -- -- -- -- -- -- 108

6.2 Findings -- -- -- -- -- -- -- -- -- 109

6.2.1 Lack of Fairness and Equity -- -- -- -- -- -- -- 109

6.2.2 Poor Accessibility -- -- -- -- -- -- -- -- 109

6.2.3 Lack of Affordability -- -- -- -- -- -- -- -- 109

6.2.4 Lack of Transparency -- -- -- -- -- -- -- 110

6.2.5 Lack of Public Participation -- -- -- -- -- -- -- 110

6.2.6 Inefficiency of AGIS Activities -- -- -- -- -- -- 111

6.3 Recommendations -- -- -- -- -- -- -- -- 111

6.3.1 AGIS Land Administration should Operate with Fairness and Equity -- 112

6.3.2 Customer Interface and Client Survey for Efficiency -- -- -- 112

6.3.3 Participation of Key stakeholders – – – – – – 112

6.3.4 Hotlines in AGIS for Transparency – – – – – – 114

6.3.5 Public Access to Cadastre via Internet – – – – – 114

6.3.6 Expanding Access and affordable charges -- -- -- -- -- 115

Bibliography -- -- -- -- -- -- -- -- -- 116

Appendix -- -- -- -- -- -- -- -- -- 120

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The world today faces many complex challenges including rapid urbanization and growing food, water, energy shortages etc. Many of these challenges have clear land dimensions and have a repeated mention in the literature[1]. Responding to the challenges of urbanization in particular is difficult when the governance of land is weak. This observation leads to the proposition that land policy reform is important and that an understanding of the reform process from governance and political economy perspective offers insights that can not only improve land administration, but can also offer tools to support its implementation.

Land is an ultimate resource that provides the basis for life. It is both a physical commodity and an abstract concept, in that the rights to own or use it are as much a part of the land as the objects rooted in its soil. Land is fixed in supply and is a basic place of human activities. Humankind has always had close association with land as a basis for food, shelter and livelihood development.[2]

[1] Palmer, D., Fricska, S., Wehrmann, B. in collaboration with Augustus, Clarisa, Munro-fanre, Paul, Torhonen, Mika-Pettero, Arial, Anni September, 2009. *"Towards Improved Land Governance*". Food and Agricultural Organization/United Nation Habitat Publication p.3

[2] Williamson IP "*United Nations –FIG Bathurst Declaration on land Administration for Sustainable Development*"

Land is of fundamental importance to economic activity and development. It is often the most common means of storing wealth and a powerful economic asset. It provides foundation for economic activity in sectors as varied as agriculture, industries, housing and tourism and is also a key factor in the functioning of market (e.g. credit) and non-market institutions (e.g. local governments).

Land acquisition and transfer in Nigeria has largely been organized through informal means such that between 50-70 percent of urban land in Nigeria is delivered through informal practices. The limitations of the informal process have created bottlenecks in gathering and storing data for land administration; which is a key prerequisite for effective land management. The reversal of these shortcomings is concerned with changing the rules, processes and structures through which decisions are made about the use of, and control over land; the manner in which the decisions are implemented and enforced, and the way competing interests in land are managed[3]. Reform generally has implications for land agencies, courts and ministries responsible for land, as well as non-statutory actors such as traditional bodies and informal agents. Its scope covers both the legal and policy framework for land as well as the traditional and informal practices that enjoy social legitimacy. Before other objectives, land administration reform also aims at protecting the property right of an individual and enterprises as well as the state by introducing such principles as transparency, accountability, rule of law, equity, participation and effectiveness into land related public sector management.

As observed by Bell [4] governments with a record of transparency, accountability and responsiveness are far more likely to attract investment, provide high-quality public services and manage resources more cost-effectively than those whose activities are opaque. Being

[3] Supra at p.1

[4] Bell, Keith .C., (2007) "*Good governance in land Administration"* FIG working week, Hong Kong, China SAR, May 13-17, 2007.

output of reform, improved access to land and the security of tenure can guarantee food security, social stability, economic growth and poverty reduction. They are the essential basis for livelihood of all people around the globe[5]. Access must be stable and secured if it is to provide an opportunity for economic growth and the incentive to invest.

A study conducted by Arnot and Meadows[6], reveals that a good land administration system should be seen to; guarantee ownership and security of tenure; support land and property taxation; provide security for credit; develop and monitor land market; facilitate land administration reform and alleviate poverty; improve urban planning and infrastructure development; support environmental management and produce statistical data; support governance and rule of law; and reduce land dispute.

1.2 Statement of Research Problem

The creation of the new capital, Abuja was expected to give all Nigerians equal access to land and other related benefits. This was the land policy that framed the master plan for Abuja.[7]

Since the creation of Abuja, the city has expanded rapidly with limitations on land and the way it is managed. With rapid growth in the 1990s and the associated demand for land, the manual record keeping of land became inefficient, time-consuming and prone to abuses[8] So also was the process by which land was accessed. Therefore, the Ministry of the Federal Capital Territory

[5] *Food and Agricultural Organization (FAO) of the United Nations*: Paying Farmers for Environmental Services, Rome, Italy, 2007. Page 142

[6] Arnot, B and Meadows, J "*Reforming the land registration process in Nigeria: promoting land administration and good governance*" 5th FIG Regional Conference, Accra, Ghana, March 8-11 2006

[7] Abumere, S.I (2001) "*The Challenges of Urbanization in Sub-saharan Africa*." In S. Abumere & A. Soyinbo, eds Development Policy and Analysis: A book in honor of Akinlawon Ladipo Mabogunje Daybis Press Ltd, Ibadan Page 23-27

[8] Adeoye, (2006) G.I, "*Abuja Geographic Information System (AGIS) as a Tool for Good Governance for Nigeria*" Page 3

initiated a land administration reform programme, a component of which was the computerization of the cadastral and land registry system, through the establishment of the Abuja Geographic Information System (AGIS).

The main AGIS function amongst others was to carry out the re-certification and re-regularization of land titles in the FCT. The second reform target was to ensure efficiency and good management of land resources, and also to provide basic land transaction services in a quality, fair, honest, effective and transparent manner. Inspite of the innovations introduced by AGIS, land administration in the Federal Capital Territory does not appear to be efficient. There are also individual benefits expected of the programme that seem not to be available. The context by which these problems exist is poorly understood to enable improvement. The short coming creates a need for assessing the activities of AGIS and its influences.

Previous studies on land administration in the FCT are instructive. Agbana[9] for instance studied land administration in the FCT and noted the institutional problems of multiple land allocation by agencies that affect land management efficiencies. Some of these have been addressed in the course of the re-certification exercise started by AGIS. Adeoye[10] explored the challenges facing AGIS which includes managing change in terms of organizational strategies, business processes and integration of systems as impediment to effective performance of the land administration system. Iatau examined the use of case study methodology to access the performance of a land administration system and Kaufman[11] on cadastral and land administration in Bogota assessment was based on the land policy level as responsible for the strategic measurement of the efficiency of a land administration system. The

[9] Agbana, J.O, (1978) "*An overview of position of land law and customs under the Land Use Act*", Ikeja Bar Review Vol.2 Part 2, September, 2007 to March 2008.
[10] Supra
[11] Kaufman, Jerry, (2000) "*Farming Inside Cities: Entrepreneurial and Urban Agriculture in the United States: Lincoln Institute of Land Policy*". A Working Paper, Page 23

unanswered question from such studies is whether institutions that anchor land administration reform usually create expected output and outcomes. In the case of the FCT, it is whether AGIS has engendered improved outcomes with land administration. This is an area needing assessment to determine areas of shortcomings for improvement. As a contribution therefore, this thesis examines the process and procedures of land administration under AGIS; the outcomes it has engendered and the implications. Relevant good governance principles are used in the assessment. The findings will be useful in correcting policy and the practice of land administration in the FCT.

1.3 Research Questions

Following the research issue set out in the previous section, two research questions are answered by the study:

1. What are the outcomes of AGIS activities in the FCT?
2. What are the explanations for the outcomes?

1.4 The Hypothesis

H_O - Land administration under AGIS has not significantly engendered positive outcomes in the Federal Capital Territory.

H_I - Land administration under AGIS has significantly engendered positive outcomes in the Federal Capital Territory

1.5 Aim

To assess the activities of AGIS in the Federal Capital Territory and the outcomes as a basis for identifying limitations and making proposals for improvement.

1.6 Objectives

In the pursuance of this aim, the objectives used are, to:

1. Review the concept, principles, strategies and methods of land administration and the implications on urban development.
2. Analyse the practice of land administration in the Federal Capital Territory before the introduction of AGIS.
3. Evaluate the activities of AGIS in the FCT using the good governance principles.
4. Identify the explanatory factors for outcomes and the shortcomings.
5. Make recommendations for improvement.

1.7 Scope and Delimitation

The Federal Capital Territory is made up of six (6) Administrative Regions namely, the Abuja municipal area council (AMAC), Gwagwalada, Kuje, Abaji, Kwali and Bwari. The AMAC falls within the FCC. This thesis is delimited to the Federal Capital City (FCC), Gwagwalada and Bwari area councils of the Federal Capital Territory considering the wide nature of the study area which will not permit all the assessment of the entire FCT. However the few selected ones shall be examined with anticipation that the outcome shall apply to other areas in similar situation. The coverage of the thesis is on the performance of land administration reform under AGIS using evaluation criterion such as efficiency, effectiveness, transparency, civic engagement**,** affordability, accessibility, equity and fairness for assessment and the benefits of good land administration system in the Federal Capital Territory. Recommendations will be geared towards finding ways of improving land administration in the FCT. Research has been done by independent researchers; most of these studies do not offer detailed information about assessment of land administration using other criteria beyond just efficiency and effectiveness as part of the success of a land administration. In this light, the study will therefore add to existing knowledge on assessing land administration in Nigeria, and universally.

1.8 Conceptual Framework

From the foregoing, the research line of action can be summarized as follows and presented in figure 1, which is giving an overview of actions and results achieved in the research process.

- Study and review of literature
- Preliminary analysis of land administration in FCT
- Historical review of AGIS as the core administrator of land in the study area.
- Identification of the applicant/beneficiaries of land in the FCT (individuals and Estate Developers).
- Assessment of the performance of land administration reform under AGIS with evaluation criterion.
- Identification of limitations and making proposals for improvement.

Figure 1: Conceptual Framework

Action		Critical Action Research Question (RQ)/ Research Objectives (RO) Addressed	
		RQ	RO
STEP 1 **Background to study & Review of Literature (Theses, Journals, & Book Publications), Internet Library**	**Desk study**	-	**OBJ. 1**
STEP II **Preliminary analysis of land administration in FCT and Historical review of AGIS**	**Observation** **Participation** **Interview** **Exploration (reports)**	Data Triangulation	**RQ** - **RO** **OBJ. 2**
STEP III **Applicant /beneficiary survey**	**Pilot Survey** **Users identification** **questionnaire design**	Data Triangulation	**RQ** - **RO** **OBJ. 3**
Step III **Institutional Survey & Estate developer survey**	**Performance assessment survey** **interview**		**RQ** - **RO** **OBJ.3**
STEP V **Analysis of AGIS capabilities**	**Performance assessment**		**survey** **Interview**

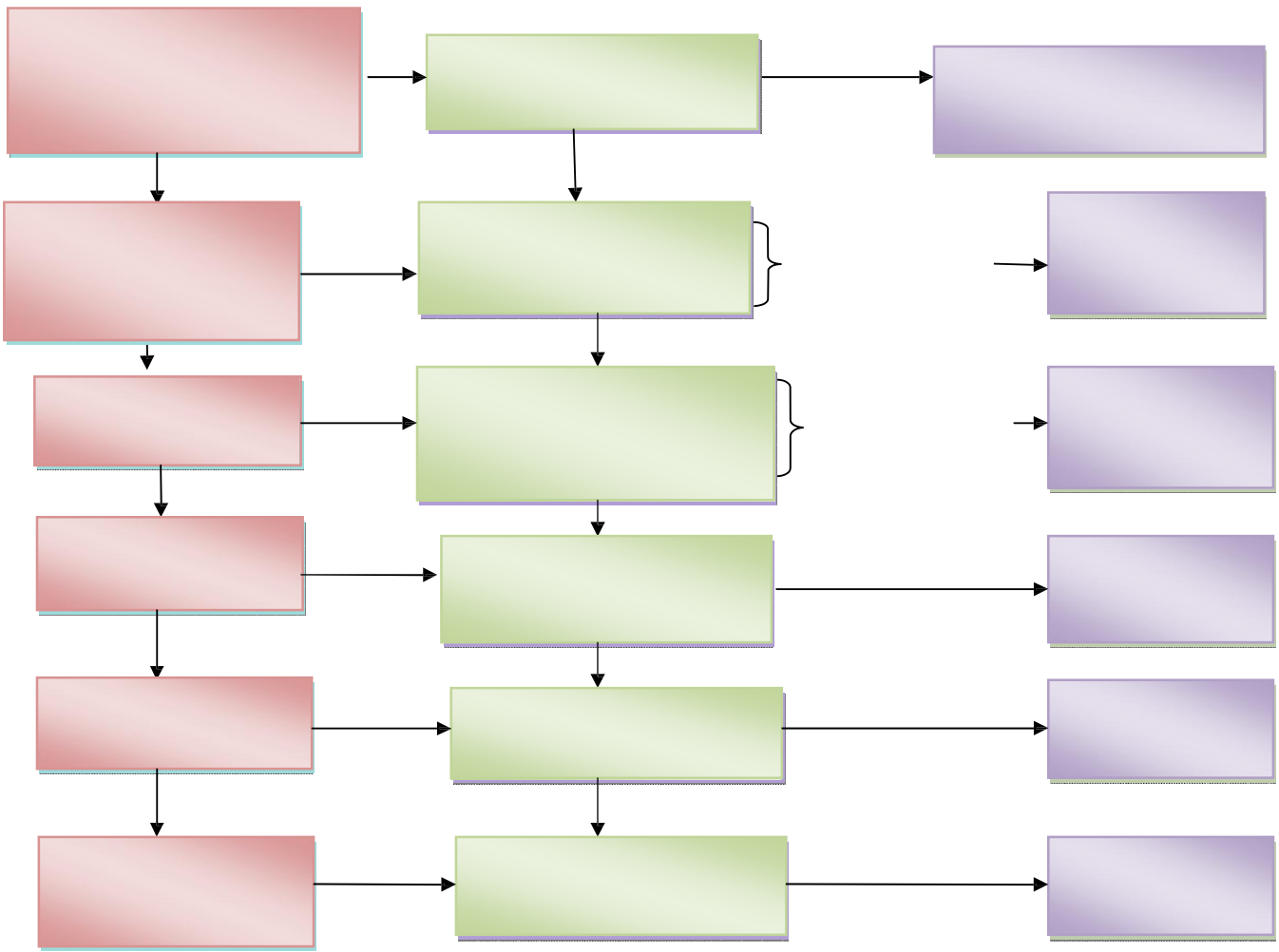
RQ RO **Q1 OBJ. 4**

STEP VI

Recommendation

- **Situation Analysis**
- **Identification of gaps**
- **connecting**

RQ RO
Q2 OBJ. 5



CHAPTER TWO

CONCEPTUAL DISCOURSE ON LAND ADMINISTRATION

2.1 Need for Land Administration Reform and Policy

Expanding population, human requirements and economic activities are placing ever-increasing pressures on land and its resources[12]. There are many demands on land resources and many societies cannot balance these often conflicting demands. As indicated by Dale[13], the tension between continued use of land and the demand of rapid urbanization on the other has led to intense demand for land. This continued spread of urbanization has challenged land's capacity to meet those demands. People have continued to migrate into cities in search of better life. This view has also been expressed by Williamson[14], that favourable economic condition also influenced the desire for and disposition of land and this increasing personal influence has boosted the consumption of land in several ways.

As pressure on land increases due to expanding urban areas, the life of citizens cannot be successfully improved without sound land policy. Weaknesses in land policy reform and land administration adversely affect the efficiency of land market and thus the country's economic growth potential and equity. Land administration system need to accommodate an increasing demand and obligation in order to facilitate decision that will support sustainable development. Sound land administration systems underpinned by legal and institutional framework that adequately relates to information technology infrastructures and good governance are required to support rights and responsibilities over land and its use. It should

[12] Ting, M., (2002) "A Theory of Jurisdictional Assignment in Bureaucracies". *America Journal of Political Science* 46 Vol. 2 pp. 364-378

[13] UN Habitat (2000) "*Urban Economy and Financing Shelter, General Information and Monitoring: Global Report on Human Settlements*" p. 405

[14] Supra at p.2

therefore be adequate and not struggling in its role to supporting urban development. These land administration systems may include processes to manage public land, record and register private interests in land, assess land value, determine property tax obligations, define land use, and support the development application and approval process. Much earlier observations by UN–Habitat (2005) shows that, land is central to a successful urban development and is at the heart of all urban development policies and strategies. It is a fundamental resource in all societies with far reaching social, cultural and economic implications. Throughout history, land has been recognized as a primary source of wealth, social status, and power. It is the basis for shelter, food, and economic activities, thus, any concept of sustainable development relies heavily on both access to property rights in land and the security of those rights. Therefore, it is essential that government plan for sustainable use of land in a way that is sensitive to people's needs. Ting and Williamson[15] identify different phases in the humankind to land relationship depending on the different rates of development of countries in which they saw land as wealth, commodity and a scarce community resource.

According to Bell[16], good governance in land administration is essential to achieving the benefits of the protection of property rights and the development of efficient and effective land and property markets. Oxfam as quoted in Palmer[17] acknowledged access to land as central issue and a key factor for shelter and urban development that they are strategic prerequisites for the provision of adequate shelter for all and for the

[15] "*Spatial Data Infrastructures and Good Governance: Frameworks for hard Administration Reform to support sustainable Development"*. 4th Global Spatial Data Infrastructure Conference, Cape Town, South Africa. 13-15 March, 2000
[16] Supra at p.1
[17] Supra at p.1

development of sustainable human settlement affecting both urban and rural areas. Its security is necessary for people to raise and stabilize their incomes and to participate in economic growth.

Affordability is fundamental to sustainable and cheaper forms of land administration which needs to be developed. Thus approaches to land administration for urban development need to be holistic. Without land policy reforms that promote affordable and equitable access to land, the economic growth of such a country is limited, especially in the medium to long term (Article 75 UN-Habitat). For instance, failure to adopt appropriate land policies and land administration practices remains a primary cause of inequity, inefficiency, inconsistency, unsustainability and corruption. These problems can unintentionally fall on the most vulnerable and disadvantaged members of the society. Most land administration reform tends to focus on promoting private ownership rights and individual land titles for the middle and commercial classes without much consideration for the poor. Thus, good governance in land administration is concerned with how well the government exercises its mandate to protecting the property right of an individual and enterprises as well as state by introducing such principles as transparency, accountability, rule of law, equity, participation and effectiveness into land related public sector management which are consistent with its policy objectives in providing easy acquisition of land[18].

2.2 The Concept of Land and Land Administration System

Land fulfils many functions in a society. From a physical perspective, it is the space in which we move and create shelter and from which we obtain our food and water. From

[18] Zakout, W., Werhmann, B. & Torhenen, M.P., (2006) "*Good Governance in Land Administration: Principles and Practices*", Washington. pp.169-183

an ecological perspective, it plays a vital role in the breeding and survival strategies of many living species. From an economic point of view, it is a foundation on which wealth is built, in other words it is a resource which, along with capital and labour, is to be exploited and conserved in order to achieve economic production and development. From a legal standpoint, it is an abstract set of property rights. From a social and cultural perspective; it is a taproot through which people draw spiritual sustenance. It is the ultimate resource without which no nation can exist and to many, it is simply the space for human activity as reflected in the many different forms of land use.

Land is the most valuable possession of mankind and an important asset of any country. Without land, there can be no country. The wealth of the nation and its economic development are dependent on the state of the land and its usage. It is apparent, therefore that it serves as a key to financial investments, commerce, industry and agriculture. Good stewardship of the land is therefore necessary for present and future generations in order to ensure its sustainability and to facilitate economic development (United Nation, 1996). Land administration is systems implemented by the state to record and manage rights in land[19]. Its functions involves, implementing land management policies, which also includes regulating the development and use of the land, gathering revenue from the land (through sale, lease, or taxation, etc.), and resolving conflicts concerning the ownership and use of the land. It is concerned both with private lands and public lands and involves land settlement; land survey, infrastructure and utilities management. The management of a land includes the establishment and maintenance of good contacts with not only the primary users of a land

[19] Williamson, I.P. and Ting, L., (1999) "*Land Administration and Cadastral Trends – A Framework from Re-engineering Technical Papers on UN-FIG International Conference on Land Tenure and Cadastral Infrastructures for sustainable Development"*, Melbourne, Australia 14-27 October, 1999 pp.317-338

administration system, but also with the growing group of secondary users and clients. Land administration involves coordination in order to avoid the development of duplicate systems, creating double work and extra costs and also to be able to realize the potential benefits of any land policy reform. Effective land administration requires land information e.g. information about land resource capacity, land tenure and land use (Williamson)[20]. Cadastre is one of the primary means of providing information about land. The Cadastre provides information identifying those people who have interests in parcels of land; information about those interests (e.g. nature and duration of rights, restrictions, and responsibilities); and information about the parcels (e.g. their location, size, improvements, value).

The essence of land administration systems typically involves processes that: Manage public land; Record and register private rights in land; Records register and transfers of those rights in land; Manages the fiscal aspects related to rights in land, including land tax, valuation for a range of purposes including the assessment of fees and taxes, and compensation for state acquisition of private rights in land; Control the use of land, including land use zoning and support for the development application/approval process; and Support the development application and approval process for land use.[21] identified that, land administration system provides the infrastructure to manage land. These land administration infrastructure is the foundation on which land policies are implemented. A land administration infrastructure requires a legal framework which enforces the rule of law. Such a framework requires not only good laws but also legal institutions, professionals and government officials who are versed in the law, and a justice system which enforces the

[20] Williamson, I.P., (1994) Cadastral Surveying and Mapping: New Trends in Technology and their Applications. 13th UN Regional Cartographic Conference for Asia and the Pacific, Beijing 9-18 May, 1994 p. 8

[21] Williamson, I.P., (1996). "A Land Information Vision for Victoria, Report of Geographic Policy and Co-ordination, Victoria, p.21

law. Such a legal framework is essential to ensure that land title holders are secure in their occupation, they are not dispossessed without due process and compensation, and the land market can function with confidence and security. The key performance indicators for a successful land administration reform are whether the land administration system is trusted by the general populace, protects the majority of land rights, provides security of tenure for the vast majority of land holders and is extensively used. If these criteria are not generally met, then there is a fundamental problem with the system.

2.3 Methods of Land Administration Evaluation

Evaluation is concerned with questions such as are we doing the right thing? Are we doing things right, and what lessons can we learn from the experiences. Evaluating or measuring the performance of a process or a system is a basic prerequisite for improving productivity, efficiency, and performance. You can't improve what you can't measure or if you cannot measure it, you cannot manage it. On the international level, there have been few attempts to standardize the procedures for evaluating or comparing land administration systems. Steudler[22] identified that currently, there are no internationally accepted methodologies to measure and compare the performance of land administration systems. This is mainly because the land administration systems are reflecting the cultural and social context of the country and partly because land administration systems are in constant reform, and probably more importantly, they are part of the different national identities representing the societies' perceptions of land. Baird[23] indicated four elements that are central to evaluating

[22] Steudler (2002) "*A Framework for the Evaluation of Land Administration systems"*; Submitted in total fulfillment of the requirements for the award of the degree of Doctor of Philosophy, February, 2002 Department of Geomantic, The University of Melbourne , p.177

[23] Baird (1998), "A Framework for Benchmarking Land Administration Systems International Federation of surveyors (FIG XXII) International Congress, Washington, D.C, U.S.A., April 19-26, 1998 p.8

the performance of an organization or system, be it private or public that supports their use as part of the basic evaluation framework for land administration systems.

- **Objectives**: what are the defined objectives of the land administration systems; what do they have to respond to from an economic, social and environmental perspective, and how are these objectives fulfilled.
- **Strategies**: what are the chosen processes and what is the strategic approach that has been adopted to reach the objectives; what financial, organizational, structural and technical definitions have been established.
- **Performance or outcomes**: what are the outcomes and what is the performance of the chosen processes and strategic approaches, and what are the effects.
- **Evaluation of results:** how is the land administration system managing change; how are the objectives and strategies re-evaluated.

The above-mentioned four evaluation elements have a strong link with the three management levels, which are often used to define the different control levels within an organization. First the policy level is responsible for deciding on the objectives that the organization wants to achieve and what resources are to be applied. Secondly the management control level is responsible for the reasonable and effective use of the resources and of setting up the appropriate organization and structure. Thirdly the operational control level carries out the specific tasks as efficiently as possible. According to Baird[24] evaluation could address the following issues: Land Policy; Land Administration; Land Information Policy; Land Management; Land Information Management and Land Information Systems

[24] Ibid

Table 2.0 Evaluation Focus

S/N	Evaluation Focus	Issues
1.	**Land Policy**	How and what economic, social, and environmental objectives are defined; how the land administration system is supporting sustainable development; and
2	**Land Administration**	What efficiency (performance, reliability, timeliness) the system is providing, and what human and technical resources are involved. Indicators could for example be: total number of properties and parcels, number of
3	**Land Information Policy**	would include issues such as the definition of data standards, privacy issues, access to data, and pricing policy
4	**Land Management**	Would evaluate the structure and organization of how land issues are administered, for example what rights are included in the registry system (bundle of rights), what government agencies are involved, if they are centrally or
5	**Land Information Management**	It is the area where the organization and structure of land administration data is evaluated. For example what information is registered, how it is administered in a centralized or decentralized manner, what is the role of the private
6	**Land Information Systems**	The technical parts of the land administration context are evaluated, for example how the information actually is administered. There may be big differences in the different countries in terms of fitness for use of the land information (paper vs. digital data, data exchange and distribution

Source: Baird, 1998

According to Burns and Dalrymple,[25] adoption of good governance principle can be used to shape evaluation conceptual framework, which can be used as the scope to measure performance. An appreciation of the separate silos of good governance principles is required and then combining these using an understanding of existing operational encounters and functional arrangements. The introduction of good governance principles attempts to capture a more holistic approach to measuring land administration than purely

[25] Burns & Dalrymple (2008) Conceptual Framework for Governance in Land Administration International Federation of Surveyor (FIG) Working Paper Presented in Stockholm, Sweden, June 14-19, 2008 p.3

quantitative measures of effectiveness (Burns and Dalrymple,)[26]. The indicators of good governance requires that information provided by the land administration system is reliable, sufficient, and accessible at reasonable cost; Management, acquisition and disposal of public land follows clear procedures and is applied transparently; Broad participation in services represents equity of access regardless of authority, wealth, location, ethnicity or gender; and registration procedures need to be clearly understood by the general public.

2.4 Limitations of Land Administration

There are several shortcomings in the land administration systems that adversely affect the efficiency of land markets, and thus the country's economic growth potential and equity. Amongst these limitations are unclear and inconsistent land policies; an inefficient land administration infrastructure, and an inefficient land policy reform programme. When Land administration reform fails to identify society's preferences regarding land use, the political economy of establishing social preferences regarding land use will be problematic. Thus, significant problems arise in the use and allocation of land.

Land Equity [27] recognized issues relating to the institutional framework as the biggest challenge to successful land administration, such as the existence of multiple organizations, each with legislation empowering them to participate in the delivery of some part of the land administration cycle. The powers often overlap and add to bureaucratic 'red-tape' which allows agencies to remain self-serving with scant regard to society needs and demands. Amidst this confusion there is ample opportunity for cronyism, patronage, informal fees and other forms of corrupt practices that preclude the least able from

[26] Ibid

[27] Burns, A.F. (2006) "International Experience with Land Administration Projects: A Framework for Monitoring of Pilots. Presented paper at the National Workshop on Land Policies and Administration for Accelerated Growth and Poverty Reduction in the 21st Century, New Delhi 5-6 2006 p.13

participating in the formal land market and gaining security of tenure. Those who benefit from chaos are reluctant to support change which results in lack of confidence in the formal system of land. Processes and procedure of land acquisition can take years and is like camel passing through the proverbial eye of the needle, these have made process of land acquisition slow and frustrating for the majority. So also is the cost of land charges and documentation; hence values placed on land especially in the urban areas are high and their owners seek to make high gains on sale. Lack of Infrastructure and social amenities in districts contribute to low access to land as most are unable to take physical possession of their land.

2.5 The Benefits of Good Land Administration System

United Nation[28] identified these benefits through its application to: asset management, conveyance, credit security, demographic analysis, development control, emergency planning and management, environmental impact assessment, housing transactions and land market analysis, land and property owner-ship, land and property taxation, land reform, monitoring statistical data, physical planning, property portfolio management, public communication, site location, site management and protection. A good land administration system should produce benefits such as,

i. Guarantee of ownership and security of tenure

The compilation of land records and the judicial processes brings land information onto the registers. It provides formal identification and, in some systems, legal proof of ownership. The public register contains all essential judicial information allowing anyone viewing the system to identify third-party rights as well as the name of the landowner.

[28] Supra at p.1

ii. Support for land and property taxation

Good land records will improve efficiency and effectiveness in collecting land and property taxes by identifying landowners and providing better information on the performance of the land market, for example by identifying the current prices being paid for property and the volume of sales. Since the cadastre provides full cover of the land, all properties can be included. While not all countries seek to impose taxes on land or property, such fiscal measures are regarded by many as fair and just since they are perceived in effect as taxes upon wealth. They are relatively easy to collect in contrast for example, to personal income taxes where earnings can be hidden. It is not possible to hide a piece of land or building although it is possible to conceal the records of such a property.

iii. Provide security for credit

Certainty of ownership and knowledge of all the rights that exist in the land provides confidence for banks and financial organizations to provide funds so that landowners can invest in their land.

Mortgaging land is one way to acquire capital for investing in improvements. Landowners can construct or improve buildings and infrastructure or improve their methods and management of the land, for example by introducing new techniques and technologies.

iv. Develop and monitor land markets

The introduction of a cheap and secure way of transferring land rights means that those who wish to deal in land can do so with speed and certainty. Those who do not wish to sell their land can be protected. No persons need be dispossessed of land unless they so wish since their rights should be guaranteed. The registers should be public so that at any time a landowner can confirm his or her rights. Those who wish to buy land can do so with

confidence, knowing that the person who is trying to sell the land is the legally guaranteed owner. Those whose properties are subject to compulsory purchase can be treated with fairness since the registers should provide information on current land prices, thus allowing better estimates of the market value of land to be made.

v. Protect State lands

In many countries, the land that is held by the state for the benefit of the community is poorly documented. This is not a problem in countries where the state owns all land as in the case of FCT, but where there is private land ownership, that which remains in the possession of the state must be properly managed. In all societies the state is a major landowner and its property must be protected for example from encroachment by farmers, onto land beside roads or from attempts by squatters to settle on vacant land that is being held for future use. The state needs to manage its property assets and to ensure their efficient use and upkeep every bit as much as does the private citizen. A system of registration of title to land will facilitate this.

vi. Reduce land disputes

Disputes over land and its boundaries give rise to expensive litigation and all too often lead to a breakdown in law and order. Much time is taken up by the courts in resolving these matters, leading to delays in other parts of the judicial system. Land often cannot be put onto the market or put to better use without resolution of the disputes, since no potential investor is likely to wish to be committed to developing land where a lawsuit may be pending. The process of registering rights should prevent such disputes arising in the future, since at the time of first registration formal procedures should be followed that will resolve uncertainties.

vii. Improve urban planning and infrastructure development

Urban centres need redevelopment and effective land-use planning and control. The control of development and the issuing of building permits are the responsibility of the local municipal authority. A good land administration system should permit the integration of records of land ownership, land value and land use with sociological, economic and environmental data in support of physical planning. The availability of up-to-date large-scale cadastral plans of urban areas provides the basic framework within which development schemes can be planned and assessed and acceptable designs implemented.

viii. Support environmental management

Multi-purpose cadastral records can be used to record conservation areas and give details of archaeological sites and other areas of scientific or cultural interest that may need to be protected. The cadastre can be used in the preparation of environmental impact assessments and in monitoring the consequences of development and construction projects.

ix. Produce statistical data

By monitoring the ownership, value and use of the land, data can be assembled for those concerned on the one hand with resource allocation and on the other with measuring the performance of development programmes. Both long-term strategic planning and short term operational management require data in support of decision-making.

2.6 Land Policy and Land Administration Reform

In a study by Augustinus & Roskoshnaya[29], land policy is said to be part of the national policy on promoting objectives including economic development, social justice and equity, and political stability which is associated with: security of tenure; land markets (particularly land transactions and access to credit); real property taxation; sustainable management and control of land use, natural resources and the environment; the provision of land for the poor, ethnic minorities and women; and measures to prevent land speculation and to manage land disputes.

United Nation[30] identified land policy reform as the way governments' deals with the land issue in sustainable development which consists of the whole complex of socio-economic and legal prescriptions that dictate how land and the benefits from the land are to be allocated. This depends on the culture, history and attitude of a people. Good land resource management helps to promote economic and social development in both urban and rural areas; No country can maintain stability within its boundaries or sustain economic development unless it has land policies that promote internal confidence among its people and its commercial enterprises, a number of countries seek to achieve these goals through land administration reform.

Land administration reform is concerned with putting in place an efficient land administration infrastructure to manage the humankind to land relationship. The humankind to land relationship in all countries is dynamic. This means the land administration response to manage that relationship will always require change (Williamson)[31]. Land administration

[29] Supra at p.1
[30] Supra at p. 1
[31] 1999 "A Framework for re-engineering technical papers of UN-FIG; Int'l Conference on Land Tenure and Cadastral Infrastructures for sustainable Development Melbourne, Australia, 24-27 Oct. 1999. pp.317-338

reform should focus on processes and all processes should be simple and transparent. The success of a land administration reform is not dependent on its legal or technical sophistication, but whether it protects land rights adequately and permits those rights to be traded (where appropriate) efficiently, simply, quickly, securely and at low cost. Unless it operates in an environment of professionalism, accountability and good governance, and in an environment which is accepted by the wider populace, it will not be successful. The system of land administration provides a foundation upon which successful land administration reform can be built (Land equity)[32]. Objectives of a modern land administration reform program should include

a. Equality, equitable access to land, including legal recognition and support for land rights and social justice
b. Efficiency and the promotion of economic and urban development
c. Environmental protection, sound management of public lands and sustainable land use pattern
d. Security of land tenure, including legal recognition and support for customary land tenure systems.
e. Efficient use of land with well-functioning market mechanisms for land transactions.

Land administration reform carried out for political expediency and without reference to its long term effects will tend to fail because it will not make people better off. Land administration reform should deliver increased prosperity for the many, if it is to be credible.

[32] Supra at p.36

2.7 Components of Governance in Land Administration

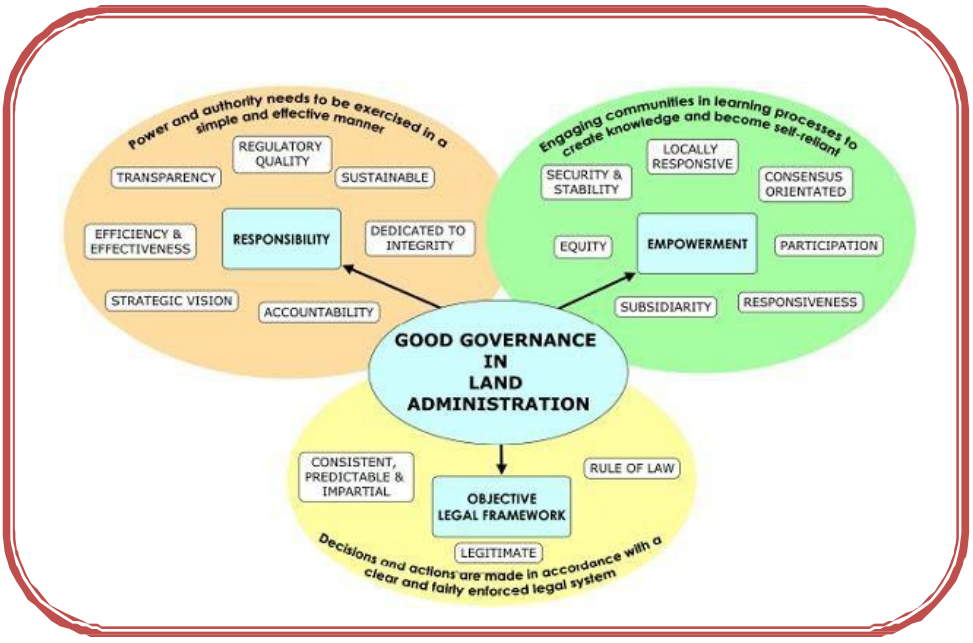
Palmer et al[33] recognizes four components of governance in land administration. *First*, that governance is conceptually broader than government; an inclusive approach is fundamental because, in many countries, state actors co-exist with their customary, religious and/or informal counterparts. The stakeholders in land thus reflect a broad spectrum of state actors, customary authorities, non- state actors, and the private and professional sectors. *Secondly*, governance emphasizes processes and institutions*;* processes define how issues are put on the agenda, how decisions are made and by whom, how those decisions are implemented, and how differences and grievances are managed. From an institutional perspective, governance refers to the rules and the structures that govern and mediate relationships, decision-making and enforcement. The rules and structure of land tenure can be formal (e.g. laws, regulations, and bye-laws administered by parliaments, courts and municipal councils) as well as informal or customary (e.g. elders councils, social networks, patronage, etc.) or a combination. The concept of governance fits neatly with this pluralistic institutional framework for land. This is important because the legal system in some countries does not effectively recognize or incorporate customary institutions. *Thirdly*, governance recognizes the importance of politics and power; politics and power relations have a significant impact on the understanding of a given context or issue, and in developing approaches for land administration reform; and *fourthly* governance is conceptually neutral; the quality of land governance can be good or weak, improving or declining. In order to determine whether governance is effective or weak, one must look at processes as well as outcomes.

[33] Supra at p.1

Bell[34] outlined in the introduction of good governance principles and attempts to capture a more holistic approach to measuring land administration than purely quantitative measures of effectiveness. Therefore, it is generally accepted that good governance is based on a set of principles that include: participation; fairness; decency; accountability; transparency; and efficiency. Often references are also made to responsiveness, equitability, inclusiveness and Subsidiarity. Given the complexity of land issues virtually everywhere and the fact that institutional arrangements are highly country specific, no systematic guidance is available to diagnose and benchmark land governance. The way in which land rights are administered assumes critical importance which can in turn limits good governance. The indicators of good governance can be usefully clustered around three outcomes: responsibility, empowerment of people and delivery of an objective legal framework.

[34] Supra

Figure 2.0 Clustered indicators of good governance in land administration



Source: James Buchanan 2008

2.8 Principles of Good Governance in Land Administration

Governance is a gatekeeper; it can enhance or undermine all development efforts. FAO[35] defines governance as the process of governing; it is the way in which society is managed and how the competing priorities and interests of different groups are reconciled. It is also concerned with the processes by which citizens participate in decision-making, how government is accountable to its citizens, and how society obliges its members to observe its rules and laws. Good governance by extension means that government is well managed, inclusive, and results in desirable outcomes. The principles of good governance can be made operational through equity, efficiency, transparency and accountability, sustainability, Subsidiarity, civic engagement and security. It includes the formal institutions of government but also informal arrangements for achieving these ends. It covers the legal

[35] Supra at p.1

and policy framework for land, as well as traditional practices governing land transactions, inheritance and dispute resolution. In short, it includes all relevant institutions from the state, civil society and private sectors. Palmer et al[36] acknowledges good governance in land administration as concerned with the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, and the way competing interests in land are managed. Land governance is fundamentally about power and the political economy of land. Bell[37] has detailed reference to good governance in land administration as protecting property rights of individuals as well as of the state by introducing principles such as transparency, accountability, efficient and effective public administration, the rule of law, equity, participation and effectiveness into land related public sector management. Failures in land governance may be due to any number of other causes including, laws which may be poorly designed or implemented, inconsistent or outdated; inappropriate policies and procedures; complex institutional structures, where mandates are unclear, overlapping or duplicated; and inadequate information especially spatial data to support decision making. Palmer et al[38], Zakout et al[39] as quoted in Bell[40] identified key principles of good governance for assessing land administration.

a. Accessibility

Accessibility to land should be equitable. Given the importance of land for a wide range of economic, social and environmental objectives, no group within society

[36] Supra at p.1
[37] Supra at p.1
[38] Supra at p.1
[39] Supra at p.1
[40] Supra at p.1

should be legally or politically excluded from being able to access land or related natural resources. Specific measures should be taken to ensure access to land and the security of land and property. A gender perspective on land and property rights should be incorporated at all stages of reform analysis, design, implementation and analysis. Data regarding access to land and security of tenure should be gender disaggregated. Within the constraints of cultural sensitivities, legal and privacy issues, the system should be capable of providing access to all users.

b. Security of tenure

This should be provided to all members of society. Good governance in land administration ensures the legal recognition and protection of a range of land rights, including customary and traditional rights as well as intermediate forms of tenure. Evictions should be avoided wherever possible; where absolutely necessary, they should be carried out according to national law and International standards related to due process and fair and just compensation. The system should be secure such that a land market can operate effectively and efficiently. The geographic extent of the jurisdiction of the system and the characteristics of the rights registered should be clear to all players (Land Equity)[41].

c. Efficiency and Effectiveness

Efficient land administration should be provided to all members of society. Services should be responsive to the needs of citizens. Procedures to acquire and register property transactions should be short, clear and simple. The fewer steps there are, the less opportunity for informal payments. The system should be clear and easy to understand and use by administrators as well as the general public. Complex forms, procedures, and

[41] Supra at p. 34

regulations will slow the system down and discourage its use. Simplicity is important to ensure that the system is maintained. The system should ensure that rules and procedures are clear, consistent, well understood and applied in a transparent manner. The effectiveness of land administration depends on capacity building and financial provision, as well as on the general socio-political conditions, such as political will and commitment, the rule of law, regulatory quality and political stability. Technical solutions should be based on available capacity and appropriate technology towards improved land governance.

d. Transparency, consistency and predictability:

Decision-making regarding land should be transparent, with processes open to all members of society. Good governance places all decisions on land upon respect for fundamental human rights and ensures that all relevant stakeholders are enabled to effectively participate. There should also be transparent service standards and costs of services will contribute to higher efficiency, accountability, fairness and confidence in agency integrity.

e. Integrity and accountability:

Accountability in land administration can be improved through the implementation of uniform service standards that are monitored, codes of conduct for staff (as well as mechanisms of sanction) and incentives such as awards for outstanding employees. Demonstrates stewardship by responding to questioning, explaining its actions, and providing evidence of how it functions.

f. Subsidiarity, autonomy and depoliticization:

Land administration should be decentralized based on the principle of Subsidiarity, i.e.

taken at the lowest appropriate level. Where appropriate, it should build on traditional and informal practices consistent with other governance principles. Inclusive processes are required to ensure the equitable distribution of benefits from land. Increasing the autonomy of local land administration, while introducing checks and balances at the national level, can improve services. Locates service provision at the closest level to citizens consistent with efficient and cost-effective delivery'

g. Civic engagement and public participation:

Client orientation and responsiveness in land administration can be achieved through improved access to information, providing up-to-date information in a timely fashion and customer surveys to measure customer's satisfaction and hotlines to enable customers to report corruption and misconduct

h. Equity, fairness and impartiality:

All people should have the same access to land and service and receive the same service standards independent of their political or economic status and to deal fairly and impartially with individuals and groups. The system should be fair in operation and be perceived as being so. The system should be seen as objective, separated from political processes, even though it may be part of a land policy reform program.

i. Legal security and rule of law:

The rule of law should be applied to all. Good governance requires that no one stands above the law, and that politicians, officials, land professionals and others are accountable for their actions. It requires that conflicts are managed effectively and efficiently, including through traditional institutions and through alternative dispute resolution methods. Good governance in land administration requires a consistent and

coherent legal framework, a fair and transparent judiciary and general prevalence of the rule of law to protect property rights.

j. Sustainability

This should be ensured, by taking a long term perspective. Good governance requires institutional and financial sustainability. Policy decisions and administrative action should not compromise the social, economic and environmental needs of future generations. Mechanisms must exist to ensure the system is maintained over time. Sustainability implies the organizational and management arrangements, procedures and technologies, and the required educational and professional levels are appropriate for the particular jurisdiction.

k. Affordability

Costs of acquiring services should be affordable, and the system should be low cost or at reasonable fees and operated in such a way that costs can be recovered fairly and without unduly burdening users. Development costs, such as establishing offices and the adjudication and initial survey, should not have to be absorbed entirely by the immediate clients of the system therefore costs should be minimised. Affordability implies that the formal system is understood by and affordable to the general populace.

2.9 Importance of Good Governance in Land Administration

Bell[42] outlined the many benefits that may accrue from land governance. These include Pro- poor Support, good governance in land administration favours inclusiveness. It provides more equitable access to the rule of law, protects the rights of citizens and brings the rule of law within the reach of the poor, especially those vulnerable societal groups such as women and widows, orphans, ethnic minorities. Transparent land management allows for cheapened fast access to land registration services, legal aid and a diversity of options providing tenure security all improve poor people's access to law, protects them from illegitimate evictions and improve their status and position in the society. Good governance in land administration enables greater public confidence, both from individuals and business, which is more likely to invest in property. Good governance increases tenure security and reduces land conflict, citizens' feels more secure, for individual citizens and society as a whole. This is fundamental to sustaining social and political stability. Good governance in land administration increases the overall security of land tenure which enables better access to credit, wealth generation and provides incentives for private sector investment hence economic growth. Transparent, accountable land administration ensures that transaction costs are regulated and taxation is more equitably borne.

It also enhances stewardship of the environment and protection of state assets. Tenure security resulting from good governance creates a long term perspective and therefore an incentive for land owners to use their land in a sustainable manner. Transparent land management, combined with people's participation, helps protect the environment, because

[42] Supra at p.1

there will be fewer illegal transfers of state land in environmental sensitive areas. Reliable and accessible spatial data underpins good environmental stewardship. Transparent state land management helps to protect state assets from illegal exploitation. It also enables legitimate use of state land for social and economic concessions. There will also be overall more effective and efficient administration of land. Weak governance and corruption in land administration increases the cost of doing business both to the general public and business sectors and leads to loss of confidence in the land registration system and a higher level of informal land transactions. Good governance underpins the formal land market and the wider use of the formal land registration system, the more reliable the system the more the return of benefits from taxation and revenue sharing to public services. This will allow the state to benefit from land taxation and to better prepare and enforce land use plans. Good governance also protects from illegal exploitation and sale and it aids conflict prevention and resolution. Conflicts over property rights that are due to bribery and fraud can be avoided; free corruption courts can deliver just resolutions of land disputes. Overall equity, justice and social stability is enhanced through good governance in land administration.

2.10 Approaches to Improving Governance in Land Administration

Burns and Dalrymple[43] considering these issues and nature of land administration observed that good governance in land administration occurs where:

- Land administration reform is in line with principles of fairness and equity.
- Land administration institutions have clear mandates and operate transparently, cost effectively and sustainably.

[43] Supra at p.36

- Information provided by the land administration system is reliable, sufficient and accessible at reasonable cost.
- Management, acquisition and disposal of public land follow clear procedures and are applied transparently.
- Property valuation serves public and market needs and property taxation is clear and efficient in support of policy.
- Judicial and non-judicial institutions are accessible with clear mandates and resolve disputes fairly and expeditiously

Figure 2.1 Approaches to Improving Governance in Land Administration



Source: **(Burns and Dalrymple, 2008)**

2.12 Implications of Land Policy on Urban Development

Access to land, security of tenure, land management of urban cities has significant implications for development. Urban development cannot be planned and implemented in the most rational manner without the availability of lands. Basic information on land and its use is essential for proper urban land management in order to provide settlements for the growing urban population**;** to improve environmental conditions for human activities**;** to protect natural resources from degradation**;** and to improve productivity in trade and industry. Land and the institutions that govern its ownership and use greatly affect economic growth and poverty reduction. Lack of access to land and inefficient systems of land administration has negative impact on a country's investment climate. Well-functioning land institutions and markets improve it, reducing the cost of accessing credit for entrepreneurs and contributing to the development of financial systems. Access to even small plots of land to grow crops can also greatly improve food security and quality. Broad-based land access can provide a basic social safety net at a cost much below alternative government programs, allowing governments to spend scarce resources on productive infrastructure. Policies that foster lease markets for land can also contribute to the emergence of a vibrant non-farm economy. Land administration provides important part of the infrastructures for an efficient economy and security of tenure which allows people to obtain loans through mortgages. An efficient system for land administration is important in the economic development of a country and one of the cornerstones of a market economy. This fact gives rise to a need for information on real property rights, values and use of land and building for business activities, urban planning, management of real properties and development; and implementation of land policies.

2.12 Successful Operational Practices in Land Administration Reform. The Brazilian Statute City

The Brazilian federal law on urban land development was adopted in 2001. It defines the framework, principle and instrument to regulate the use of land, the recognition of informal settlements as part of the city and the subject of right, the democratic participation in urban management, the empowerment of the municipalities as the main agent entitled it to regulate land usage and occupation. The component of the Brazil's Statute City includes provisions to simplify regularization of both formal, informal land occupation. Before the adoption of the law, the regularization process in Sao Paulo includes 80 steps, making approval of settlement virtually impossible .The city statute allows for the decentralization of urban planning, thereby facilitating the work of municipal government in developing local plans. The city statute is particularly innovative by introducing clear regulation governing democratic participation of civil society in urban land management. The municipalities arranges the decision making procedure in such a way that all the concerned partners can participate directly in the process of designing public polices as well as in the subsequent management of programmes on housing, land and urban planning. The envisage use of adverse possession right to establish security and to enforce the social function of urban property. The city statutes provide the basis for perhaps the first legislative recognition in any country of the essential right to the city as a basic element of citizenship and human rights. The purpose of the Brazilian land administration reform is to support development of an efficient land market and urban property through a number of guidelines including guaranteeing the right to sustainable cities. This understood as the right to urban land, housing environment and sanitation for current and future generation. Article 8 of the law entitles local government

to expropriate unused urban land after a period of five years if the obligation of the owner of the land to build or use the property is not met. The statute seeks to deter speculation and non-use of urban land through taxation so that land can be freed to provide access into it especially for the urban poor.

Article 9 of the law entitles anyone who has possession of land in an urban area or building of less than 250 square metres for five or more years has the right to title of dominion. The main provisions are that the building has been in the possession uninterrupted and without contestation and that the claimant is not the owner of any other real estate. The article also state that titles will be conferred to men or women alike irrespective of their marital status that the same possessor can only make use of this adverse possession entitlement once in their lives and that the titles can be transferred through inheritance.

Web-Based Land Information System in El-Salvador

In El-Salvador, the National Registry Centre (Centre Nacio Nal de registros or CNL) created in 1995 by legislative decree has become a modern decentralized institution which consolidated into one single agency. Property registration, cadastre and mapping facilitate simultaneous access to juridical and cadastral information for each parcel and increasing security by avoiding overlap. Service standards have been greatly improved and response time to client request sharply reduced. Registration of transaction now takes less than 5 days compared to 30-45 days in 1997 under the old system. The average number visits service users need to pay to CNR offices to register land transaction has been reduced. Similarly, the amount of time needed to process a credit request in the modernized departments was reduced from several months

to less than a month. An important institutional development was the institutionalization of a client orientation on this public sector agency: which has turned itself into a service provider with clearly established service standards. A certification process has been instituted for CNR offices, which guarantee better quality, transparency and accountability including efficient client feedback mechanism.

2.13 Summary of Lesson Learnt From Case Studies

a. **Efficiency:** Brazil's Statute City includes provisions to simplify regularization of both formal, informal land occupation making approval of settlement quicker. In El-Salvador Registration of transaction now takes less than 5 days compared to 30-45 days in 1997 under the old system. The average number visits service users need to pay to CNR offices to register land transaction has been reduced from 3.5 – 1.5. Similarly the amount of time needed to process a credit request in the modernized departments was reduced from several months to less than a month

b. **Effectiveness:** Brazil's statute city's service standards have been greatly improved and response time to client request sharply reduced.

c. **Subsidiarity:** The city statute allows for the decentralization of urban planning, thereby facilitating the work of municipal government in developing local plans

d. **Responsiveness and participation:** The city statute introduced democratic participation of civil society in urban planning and management. All the concerned partners can participate directly in the process of designing land polices as well as in the subsequent management of programmes on housing, land and urban planning

e. **Civil Orientation:** In El-Salvador there was the institutionalization of a client orientation on the public sector agency: which has turned itself into a service

provider with clearly established service standards. A certification process is been instituted for CNR offices, which guarantee better quality, transparency and accountability including efficient client feedback mechanism.

f. **Rule of law** The use of adverse possession right to establish security and to enforce the social function of urban property and the essential right to the city as a basic element of citizenship and human rights

g. **Fairness** The purpose of their land administration reform is to support development of an efficient land market and urban property through a number of guidelines including guaranteeing the right to sustainable cities for current and future generation. Article 8 of the law entitles local government to expropriate unused urban land after a period of five years if the obligation of the owner of the land to build or use the property is not met.

h. **Accessibility** The statute seeks to deter speculation and non-use of urban land through taxation so that land can be freed to provide access into it especially for the urban poor. Article 9 of the law entitles anyone who has possession of land in an urban area or building of less than 250 square metres for five or more years has the right to title of dominion. The main provisions are that the building has been in the possession uninterrupted and without contestation and that the claimant is not the owner of any other real estate.

i. **Equity** titles will be conferred to men or women alike irrespective of their marital status that the same possessor can only make use of this adverse possession entitlement once in their lives and that the titles can be transferred through inheritance

j. **Decentralization** In El-Salvador, the National Registry Centre (Centre Nacio Nal de registros or CNL) created in 1995 by legislative decree has become a modern decentralized institution which consolidated into one single agency. Property registration, cadastre and mapping facilitate simultaneous access to juridical and cadastral information for each parcel and increasing security by avoiding overlap.

CHAPTER THREE

METHODOLOGY OF THE RESEARCH

3.1 Data Types and Sources

In an attempt to achieve the research objectives, both primary and secondary sources were obtained. Secondary data were sourced from published and unpublished materials. These included works of various authors, maps, records, reports and other necessary information from the relevant technical and administrative departments and agencies of the Federal Capital Territory Administration (FCTA). The Abuja Geographic Information System (AGIS) and Federal Capital Development Authority (FCDA) were major data sources. Questionnaire administration, interviews, observation, and Focused Group Discussions (FGD) form the bulk of the primary data. These were collected on site and directly from numerous field surveys. See table 3.10

Table 3.1: Data requirement and sources

	Data Requirement	Source
Primary Data	Socio-economic characteristics of applicants/beneficiaries, market activities and internal operations	Field survey through questionnaire and oral interviews
	Spatial characteristics of the study area	Field observation and satellite
	Opinion survey	Focus group discussion
Secondary Data	Data on rates of land application and allocation between (2000-2009)	AGIS
	Data on applications according to state	AGIS
	Data on rates of revenue generated between (2004-2009)	AGIS
	Data on AGIS staff strength	AGIS
	Data on rates of revocation	AGIS
	Data on land complaints	FCDA Legal unit
	Data on land processing and transaction fees	FCDA and AGIS
	Map of Abuja showing administrative boundaries of FCC and Area Council	AGIS.

3.2 Data collection methods

The methodology adopted for this research is divided into three (3) major phases for purposes of examining and comparing of relevant data. The first phase began with learning and understanding the purposes and processes of land administration system as presented in the literature and practice. The second level in this phase also identified the system of land administration in the Federal Capital Territory (FCT). Land administration system in the FCT has recently been brought under a unified service centre called Abuja Geographic Information System (AGIS).There is thus the need to understand its current workings and circumstances around the system transformation from a complete decentralized

analogue to a centralized IT drive device. As indicated by Land Equity,[44] to realize an effective land administration reform, various framework and instrument are to be provided through a unified system. The third level then identified users of such instrument for the specific purpose of land management. These aided the separation of their needs and determine what gaps exist in the data required and provided.

The research involved the use of data from socio-economic survey in addition to secondary information from AGIS and FCDA. The socio-economic survey addressed land title-holders (beneficiaries) and applicants in two (2) districts from Phase 1(Wuse and Garki district), phase 2 (Jabi and Mabushi) and one district in phase 3 (Gwanrinpa); also in Gwagwalada and Bwari Area Councils. It examines the performance of land administration reform from the perspective of accessibility, effectiveness, affordability, procedure and identifies issues on land acquisition. The institutional survey was carried out through interview conducted with management of the seven (7) land related departments in FCDA and AGIS. Interview was also conducted with the Estate developers within the FCT. The interviews provided pertinent information on various aspects of land administration and land acquisition.

3.2.1 Primary Survey:

The Field survey was conducted through questionnaire administration (applicant/beneficiaries survey) and oral interviews, observations, and Focused Group Discussions (FGD)

3.2.1.1 Applicant/beneficiaries Survey

In carrying out the applicant/beneficiaries survey, an essential requirement is to determine the

[44] Supra at p. 42

level of access in acquiring land. The major purpose of the survey was to assess the efficacy of land administration as this will indicate the extent of the performance. This is then applied alongside the Estate developer interview to determine how land administration system in FCT has improved in practice. In carrying out the applicant/beneficiaries Survey, two districts were each selected from phase 1 and 2, these were phase 1(Wuse and Garki), Phase 2(Mabushi and Jabi) Phase 3(Gwarimpa) and randomly in Gwagwalada and Bwari area council**.** Essentially, spatial data including maps, plans sourced majorly from AGIS were used under this survey.

Questionnaire addressed to respondents was employed to solicit the information required and contained questions on income bracket, means of acquisition, transparency, ease of access to land etc. The socio-economic survey aimed at securing information deemed relevant in the identification of ways of land acquisition in the study area and the performance of the land administration reform. It was structured to reflect those with land title-holders (beneficiaries) and those without title-holders (applicant).Beneficiaries were accessed randomly by going into one in ten individual's houses in each district of phase 1-3 and in the area council, this was achieved by inquiring if they were the actual owner of the property or tenant. It was from there the researcher found out the source of the land for the property (i.e. allocated or purchased or simply rented). It was also through this means those land applicants were known as some of the tenants indicated application at one time or the other. A major limitation here is that the research is unable to survey applicant/beneficiaries outside the FCT i.e. it *did not* address title-holders and applicant not residing in the FCT. This is partly due to the fact that AGIS did not disclose personal information about them as they were regarded as highly confidential and the cost implication of travelling to each state to survey applicants/beneficiaries. The structure of

the applicant/beneficiaries survey is illustrated in table 3.2

Table 3.2 Structure of the Applicant/Beneficiaries Survey

Targe	Data
Assessing the Performance of the Land Administration Reform and Outcomes.	Age Sex State of origin Type of land right Type of use Means of acquisition Period of acquisition Occupation Income bracket Ability to develop property Procedure in acquisition Affordability of transaction fees Period of time taken to acquire the property Location of property Source of land Ability to take physical possession of the land Hindrances to taking possession of the property Ease in accessing information Ease in acquiring land If there are disputes on the land Administrative process and procedure Opinion about the present land administration reform under AGIS

3.2.1.2 Institutional Survey

There is connectivity among all the land related administration of FCTA because they all partake in one way or the other in land management. Statutorily however the implementation of land administration action in terms of land application, processing of application, allocation of land is carried out by the Abuja Geographic Information System (AGIS). In the functional stratification of the FCTA duties, it was discovered from the preliminary studies that seven (7) departments and agencies within the FCTA and FCDA are land related departments. The seven are illustrated in table 3.3 with their functions. The survey was

designed to provide information on the management activities and the operations of AGIS as part of the reconnaissance on the status of land administration in pursuance of the third objective. The survey also focused on the functioning of the department and the performance of the system in meeting the challenge of land acquisition with emphasis on the level of improvement in land administration. It also provided supplementary information relating to individual access to land. Information was sought from the records of AGIS and from interview with the management staff in various aspects. This was to understand the workings, limitations, strength and prospects of the system being built.

Table 3.3 Land Related Departments

S/N	Departments	Functions
1	Urban & Regional Planning	Planning, Design and Development of the FCT. Is charged with the Physical Planning, and Monitoring of Land Use in the Territory.
2	Development Control	Guiding, directing and controlling development in the FCT
3	Survey and Mapping	Survey works within the FCC which includes Perimeter and Topographical survey of parcels of land, preparation of Title Deed Plans (TDPS') for Certificate of Occupancy
4	Resettlement & Compensation	Resettling the indigene in the designated resettlement site of the master plan
5	Engineering Services	Providing Engineering Infrastructure and services in the FCT through planning, design, procurement and development of Engineering Infrastructure.
6	Satellite Towns Development Agency,(STDA)	development of the Satellite Towns, development of the Rural Areas through provision of link roads, potable water, electricity, development of the Relocation and Resettlement Areas.
7	Parks and Recreation Abuja Metropolitan Management Council (AMMC)	Provides guidelines for the improvement of aesthetics of individual and public properties and adequate park resources and recreational site development and management.

Table: 3.4 Structure of Institutional Survey interview

Target	Data indicators
Assessing the Performance of the Land Administration Reform and Outcomes	• Nature of functions performed • Technical tool used to performing function • How much time is spent on processing work given • Administrative procedure and process • Strength and weakness of land reform under AGIS • Area of land administration that needs improvement • Strategic response of the land reform under AGIS in reducing land speculation

3.2.2 The Data Collection Tools

3.2.2.1 Questionnaire Administration

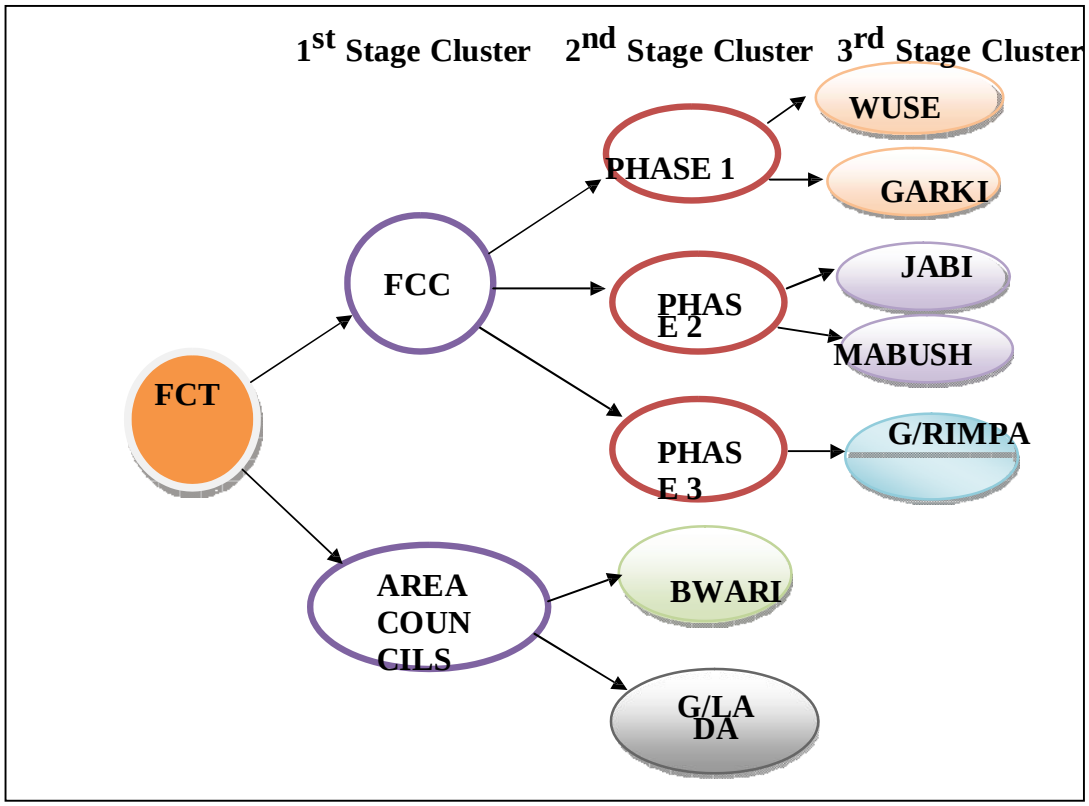
To achieve some of the objectives of the survey, questionnaire and interview guide were prepared and administered to applicant/beneficial of land in FCT. Before administering the questionnaire under the applicant/beneficial survey and producing the interview guide under the institutional survey, a pilot survey was carried out to arrive at common terms and derive certain pertinent questions. This was done through initial contacts with prospective respondent. The institutional survey was carried out to ascertain individual tasks and departmental responsibilities in the land administration process. Under this survey, a total of 7 interviews were carried out in the seven (7) core land related departments and agencies of FCDA, FCTA, as well as AGIS. These included Abuja Metropolitan Management Council, Department of Urban & Regional Planning, Department of Resettlement & Compensation, Satellite Town Development Agency, Department of Development Control, Department of Parks and Recreation, and Abuja Geographic Information System. The respondent from the institutional survey are management staff of each department.

3.2.2.2 Sampling Design and Field Procedure

The study covered some part of FCT as defined by the main administrative units forming its basic structure. Questionnaires were administered according to three stage clusters sampling with three phases from the FCC and in two (2) area councils. Phase one, Phase two and Phase three, Bwari and Gwagwalada area council, comprised of the first stage cluster. Each of phases one and two was divided into another set of cluster. Two districts were each selected from phase one and phase two and one in phase three. Using random sampling procedure 30 respondents which comprises of both title holders and applicants were selected in each district giving a total of 150 for the whole FCC. The two area council were administered with 50 questionnaires each making up a total 100 in the area council. One in every ten houses was administered questionnaires. A total of 250 questionnaires were administered to cover the number of applicant/beneficiaries of land in FCT. However, only two hundred and nineteen (219) questionnaires were available for analysis. The non returned questionnaires are in the applicant/beneficiaries survey from the FCC and the two area councils. FCC has a total of 119,427 land application, 0.13% of the total no of application were sampled, while the two area councils have a total of 78,592 applications, 0.13% of the total number of application were sampled. The reason for the number is that, it gives a true representation of the population size without bias. In summary FCT have a total of 250 questionnaires, the first stage cluster FCC was allotted with 150 questionnaires and Area council 150 questionnaires In the second stage cluster under FCC the following number of questionnaires were apportioned, for phase one is 50, phase two 50, and phase three 50, while Bwari and Gwagwalada were assigned with 50 questionnaire each. In the third stage cluster, two districts under phase one (Wuse and Garki) and phase two (Jabi and Mabushi) were allotted 25 questionnaires each. Phase three has only one district Gwarimpa with 50

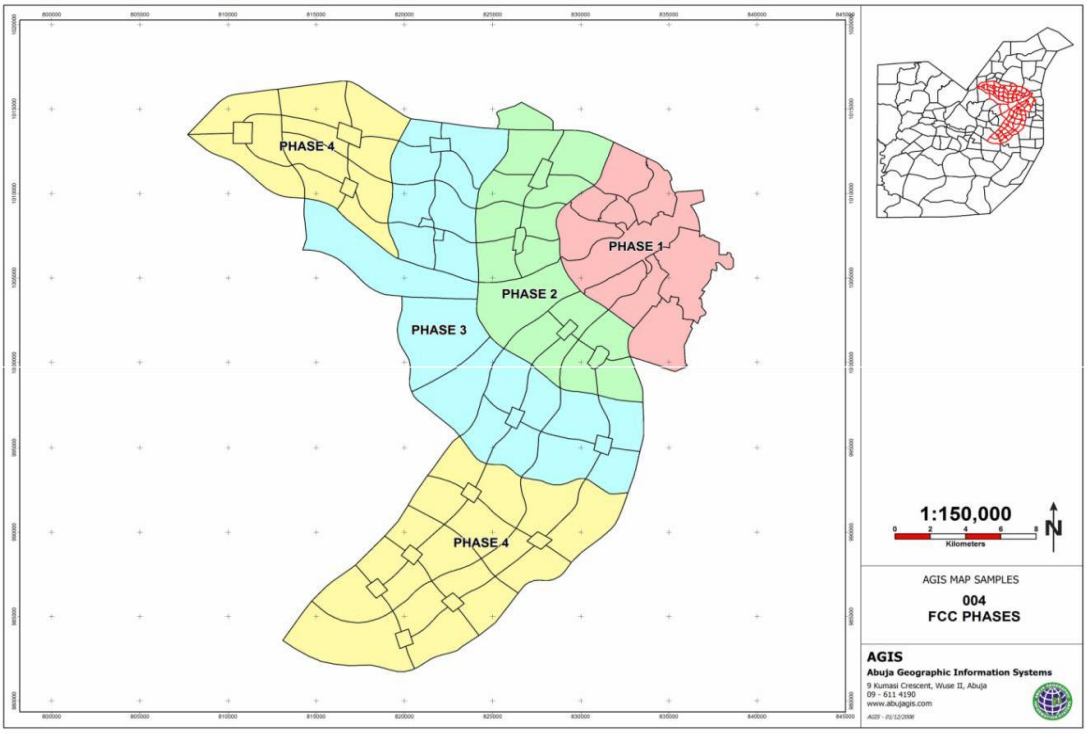
questionnaires. See Figure 3.1 for the sampling plan

Figure 3.1 the Sampling Plan



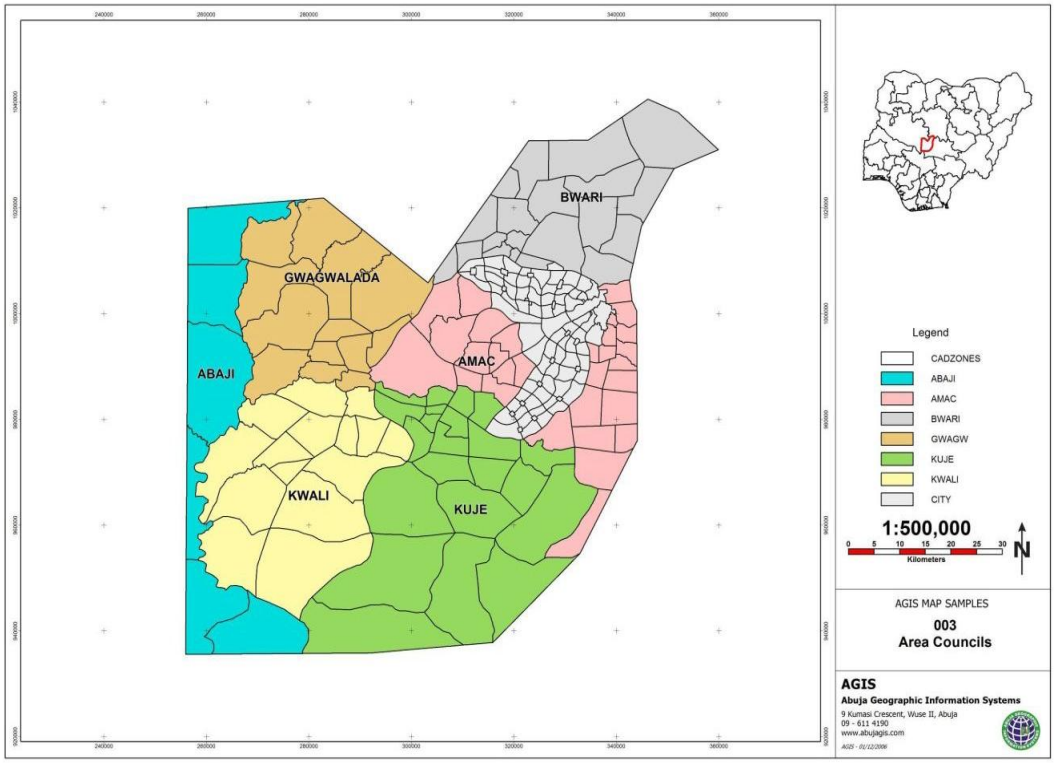
Source: modified after Sani (2006)

Figure 3.2 Phases of the Federal Capital City



Source: Abuja Geographic Information System, 2009

Figure 3.3 Area Council of the FCT



Source: Abuja Geographic Information System, 2009

Table 3.5 Summary of Applications According to States

S/N	STATE	FCC	AREA COUNCILS
1	ABIA	2443	
2	ADAMAWA	2754	2704
3	AKWA IBOM	1695	3325
4	ANAMBRA	7630	20208
5	BAUCHI	1457	1355
6	BENUE	3066	4816
7	BORNO	3007	2222
8	BAYELSA	456	751
9	CROSS RIVER	1359	1995
10	DELTA	3122	5718
11	EBONYI	904	1415
12	EDO	3723	7543
13	EKITI	1127	2189
14	ENUGU	3380	7623
15	FCT	3771	8023
16	GOMBE	958	1158
17	IMO	4950	12867
18	JIGAWA	1035	955
19	KEBBI	1603	1296
20	KADUNA	4341	5181
21	KOGI	5258	11849
22	KANO	4374	5246
23	KATSINA	2320	2752
24	KWARA	2459	3914
25	LAGOS	2507	3094
26	MISC	30083	11371
27	NIGER	3231	3753
28	NASARAWA	1669	2492
29	ONDO	1868	3103
30	OGUN	2691	4373
31	OSUN	2303	3810
32	OYO	2315	3706
33	PLATEAU	2462	2706
34	SOKOTO	1255	918
35	TARABA	1047	1090
36	YOBE	1031	929
37	ZAMFARA	790	674

Source: Abuja Geographic Information System, 2009

3.2.2.3 Secondary Data Sourcing

This was sourced from published and unpublished materials. It included works of various authors, maps, data, records, documents and information from relevant technical and administrative department and agencies of the Federal Capital Territory Administration (FCTA), like Abuja Geographic Information System (AGIS) and Federal Capital Development Authority (FCDA)

3.3 Technique of Data Analysis and Presentation Method

3.3.1.1 Analytical tool

For data analysis, chi-square contingency was used in the analysis. The chi-square contingency was employed to test the hypothesis and study the association between the evaluation criterion and land administration system in the FCT. It assisted in making predictions about the performance of the land administration reform under AGIS. Chi- square was used to determine if the categorized data shows dependency or if the classifications are independent. The outcome of the variables option was combined together to form the observed frequency. It was used to judge the significance of the association between the land administration reform and the evaluation criterion. The chi-square was at 0.05 significant levels.

3.3.1.2 Determination of the expected frequency

Hypothesis test were based on Chi-square contingency table which was used to decide whether or not outcomes are present in AGIS land administration performance. Outcomes in the contingency table were defined by relationships between the row (evaluation criterion) and column (surveyed respondent) variables. The contingency tables were constructed by listing the evaluation criterion as columns in the table and surveyed respondent as row, then finding the joint or cell frequency for each cell. The cell frequencies were then summed across both rows and columns. Each *observed* number (respondents) in the table was subtracted from the corresponding *expected* number (evaluation criterion)(O — E).The difference was squared [(O —E) ^{2}], then the squares obtained for each cell in the table were divide by the *expected* number for that cell [(O - E) ^{2} / E].All the values for (O - E)^2 / E was summed up as the value of chi square X^2.Table value were determined through the determination

of the degree of frequency (df) from the chi-square table, (df) = (row-1) (column-1).The outcome of the degree of freedom was used to determine the table called critical table. Decision as an empirical evidence of the study was the outcome of the chi-square and the calculated value which were compiled for taking the decision either to accept the H_o, the null hypothesis or reject H_1, the alternative

3.4 Framework for Assessment of AGIS activities

The quality of land administration is determined by whether the system operates on the basis of good governance principles. This has been established in the literature to mean equity and fairness, efficiency and effectiveness, affordability, civic engagement, transparency, accessibility etc. In the context of this study therefore, the element of good governance principle with relevance to the activities of AGIS were the criteria adapted in the assessment.

3.4.1 Equity, fairness and Accessibility

Accessibility to land should be equitable. No group within society should be legally or politically excluded from being able to access land. All people should have the same access to land and service; dealing fairly and impartially with individuals and groups. The system should be seen as objective, separated from political processes, even though it may be part of a land policy reform program. The question to answer is do the activities of AGIS in land administration engender fairness, equity and access?

3.4.2 Efficiency and Effectiveness

Services should be responsive to the needs of citizens. Procedures to acquire land and register property transactions should be short, and simple. The fewer steps there are, the less opportunity for informal payments. The system should ensure that procedures and rules are

clear, consistent and well understood by administrators as well as the general public. Simplicity is important to ensure that the system is maintained. The question to answer is how efficiency and effective is the operations of AGIS.

3.4.3 Transparency, consistency and predictability:

Decision-making regarding land should be transparent, with processes open to all members of society. There should also be transparent service standards and confidence in agency integrity. Good governance places all decisions on land upon respect for fundamental human rights and ensures that all relevant stakeholders are enabled to effectively participate. The question to answer is, Is AGIS transparent in its activities?

3.4.4 Civic engagement and public participation:

Client orientation and responsiveness in land administration can be achieved through improved access to information, providing up-to-date information in a timely fashion. There should be customer surveys to measure customer's satisfaction and hotlines to enable customers to report corruption and misconduct. The question to answer is how involved are the public in the activities of AGIS and in accessing information?

3.4.5 Affordability

Costs of acquiring services should be affordable, and the system should be at reasonable fees and operated in such a way that costs can be recovered fairly and without unduly burdening users. Costs should not have to be absorbed entirely by the immediate clients of the system, therefore costs should be minimised. Affordability implies that the formal system is understood by and affordable to the general populace. The question is how affordable are the services of AGIS?

The basis for the choice of these six (6) assessment criteria is that it has links to what aspects

of the outcomes of land administration system in Abuja is best affected by AGIS. The other organs of land administration in the FCT are land use and allocation committee etc.

Table 3.6: Analytical framework

Evaluation criterion	Land Policy question	Possible Improvement	Indicators
Fairness, Equity & Accessibility	Do the activities of AGIS in land Administration engenderfairness, equity and access?	Land administration reform should provide fair access to land for all irrespective of social and economic status.	Assistance in acquisition of land. Ease of Access to land before and under AGIS
Efficiency	How efficient are the activities of AGIS?	Removing administrative and procedural incentives for corruption	customer perception on quality of service
Effectiveness	How effective are the operations of AGIS.	Recruiting qualified Permanent staff, received application should based on available plots	AGIS staff capacity and Rates of application and allocation
Transparency	Is AGIS transparent in its activities?	Hotline is to provide access to the public to launch formal Complaint to the authority in case of malpractice and misconduct.	Customer perception of AGIS, publishing of land allocated / annual revenue & expenditure to the public Assistance in acquisition of land
Affordability	How affordable are the services of AGIS?	Increasing the choices available on the supply side (land) and increasing affordability on the demand side.	Incomelevel of the Customers unwillingness to pay
Civic engagement and participation	Does AGIS involve the public in its activities? How do they access information?	organized and open consultations of citizens on all matters concerning land	Level of involvement of public in land administration

3.5 Data Presentation Method

Data obtained from the study easily lend to less rigorous analytical method of percentage format and graphic techniques such as pie charts, tables and bar graphs for easy comprehension. This statistical procedure was adopted to analyze the responses generated by the study. The method was used because of its simplicity in analyzing data and easy

differentiation of result according to percentage share of each. Inferences were drawn from the data derived from the field survey using the good governance indicators. Assessment criterion is the driver of this research. Good governance principles in land administration were used as benchmarking representing a presumed ideal measurement of land administration system.

3.6 Data Triangulation

Triangulation in data analysis can be defined as the use of two or more methodology to look at the same broad research topic in order for a more credible interpretation. Denzin (1970) summarized triangulation as an approach that would strengthen the validity of the findings of a single qualitative method. As a means of double-checking, Focus Group Discussion (FGD) and personal interviews were held with some of the respondents in the departments of Development Control, Urban and Regional Planning, Resettlements and Compensation as well as AGIS. Observational method in AGIS was also conducted to assure validit y and reliability of information data returned. This also enabled the researcher to see and have first-hand experience of the workings and capabilities of land administration.

3.7 Delimitation of Research Scope

Several problems are encountered in land administration. This ranges from administrative, technical, human, financial to sheer institutional incompetence. The interest of this research relate to the practical aspect which in itself is very wide and can be viewed from various trans-disciplinary perspective. Perhaps to follow a general rule of scientific writing, which says that it is preferable to say a lot of a little, than to say a little about a lot, this study focuses on the assessment of the land administration reform under AGIS using Phase 1,2 and 3 of Federal Capital City and two (2) Area councils. It looks at how the

performance in land administration system can be improved and harnessed in providing more access to land for more people and also boost the urban development of FCT.

3.8 Significance of the Study

The intention of this study is to entreat on the government and managers of land in FCT to take interest in this new challenge of providing right of use to land, by looking at the ways land administration performance can be improved using the good governance indicators.

3.9 The Study Area

The FCT covers a total land area approximately 7,315 sq. km. The Federal Capital City (FCC) covers an area of about 250 sq km, while the rest of the territory of the city region covers about 7,065 sq kms. Abuja is the capital city of Nigeria. It is located in the centre of Nigeria in the Federal Capital Territory (FCT). Abuja is a planned city, as it was built in the 1980s and officially became Nigeria's capital on 12 December 1991, replacing the role of the previous capital Lagos (Wikipedia, 2008). Federal Capital Territory (FCT) was carved out of then, states of Niger, Plateau, and Kwara. Several reasons have been adducted for the movement of the seat of government from Lagos to Abuja. Some of these seven principle, explicit and implicit can be identified in the philosophy that was meant to underpin the development of the new capital (Mabogunje,)[45]. These are

1. The principle of equal access
2. The principle of equal citizenship
3. The principle of environmental conservation
4. The principle of the city beautiful
5. The principle of the functional
6. The principle of Effective Regional Development

[45] Mabogunje A.L., (1999) "*Abuja: The Promises, Performance and Prospect in the review of Its Master Plan*" in Kalgo, M.S.U and Olatubosun Ayilekun (Eds) 1-10

7. The principle of rapid National Economic Growth

The vision of Abuja was a capital that was meant to foster greater integration within the nation and promote rapid economic development. The FCT was created in 1976 via Decree No. 6 with the FCDA, as the sole agency responsible for planning, design and development of the FCT. The Federal Capital Territory is divided into 6 Area Councils which is equivalent of local government areas (LGAs) in the state namely the municipal area council (AMAC), Gwagwalada, Kuje, Abaji, Kwali and Bwari area councils which carries out land administration activities in their zonal land offices of the FCDA. Land administration and allocation within the territory is based on the provision of the land use act and FCT act. This is carried out by the Ministry of the Federal Capital Territory on the recommendation of the Department of Land, Planning and Survey. Traditional approaches to land administration result in design and implementation projects that take a long time and manual record keeping has been in use by land related departments of the Ministry of Federal Capital Territory (MFCT) and the Federal Capital Development Authority (FCDA).

Table 3.7 Phases with their Districts.

S/N	Phase 1	Phase 2	Phase 3
1	Asokoro cadastral zone (A04)	Dakibiyu cadastral zone (B10)	Gwarimpa 1 cadastral zone (C02)
2	Central Business District	Duboyi cadastral zone (B12)	Gwarimpa 2 cadastral zone (C03)
3	Garki 1 cadastral zone (A01)	Durumi cadastral zone (B2)	Dape cadastral zone (C04)
4	Garki 2 cadastral zone (A03)	Dutse cadastral zone (B14)	Karmo cadastral zone (C01)
5	Guzape cadastral zone (A09)	Gaduwa cadastral zone (B13)	Galadimawa cadastral zone (C07)
6	Maitama cadastral zone (A05 & A06)	Gudu cadastral zone (B01)	Dakwo cadastral zone (C08)
7	Wuse 1 cadastral zone (A02)	Jabi cadastral zone (B04)	Lokogoma cadastral zone (C09)
8	Wuse 2 cadastral zone (A07 &	Jahi cadastral zone (B08)	Wumba cadastral zone (C10)
9		Kado cadastral zone (B09)	Wupa cadastral zone (C15)
10		Kaura cadastral zone (B11),	Bunkoro cadastral zone (C18)
11		Katampe cadastral zone (B7)	
12		Katampe ext. cadastral zone (B19)	
13		Kukwaba cadastral zone (B00)	
14		Mabushi cadastral zone (B06)	
15		Utako cadastral zone (B05)	
		Wuye cadastral zone (B03)	

Source: Abuja Geographic Information System, 2009

Figure 3.4 Map of Nigeria showing the location of the Federal Capital Territory



CHAPTER FOUR
LEGAL REGIME OF LAND ADMININSTARTION IN THE FCT

4.1 Legal regime of Land Administration in Nigeria

4.1.1 The Laws Governing Land Administration

The law guiding land administration in the whole territory of Nigeria is the Land Use Act[46] (originally promulgated as Land Use Decree No.6 of 1978). The law adopted the nationalization of all lands in Nigeria as introduced by the Land Tenure Law of 1962 of the Northern Region[47]. Under the law, all lands within a State (except land belonging to the Federal Government) vest in the Governor of that State who holds the land in trust for all Nigerians. It is also aimed at providing guidance for effective land administration in the country. Government is the trustee of land as well as the administrator. The highest interest in land is a right of occupancy. This can either be a statutory right of occupancy, which is granted by the state governor in respect of land in both urban and non-urban areas[48].

By abolishing private ownership of land, LUA believed that it would facilitate access to land for public and private use, promote tenure security, and curb land speculation; this had been driving land values upwards and out of the reach of most Nigerians. The LUA mainly deals with land administration. The state governor exercises the power to grant statutory rights of occupancy in any part of the state, whether urban or not. Furthermore, certificate of occupancy, can only be granted by the state governor. Consequently, any person who holds a customary right of occupancy is still required to apply in the prescribed manner to the state governor for a certificate of occupancy. The Federal Government does not play a role

[46] (LUA), Cap L.5, Laws of the Federation of Nigeria, 2004
[47] Ukaejiofor, A.N. (2007) "*Identifying Appropriate Tools for Effective Land Governance in Nigeria*" (4612), FIG Congress, 2007, Sydney, Australia, 11-16 April, 2007
[48] Sections (1), 9, 34 Land Use Act Cap L5, Laws of the Federation of Nigeria, 2004

in land administration other than in relation to federal land. This is comprised of land holdings vested in the Federal Government (Sections. 5 & 6, Land Use Act)[49] prior to the commencement of the LUA and which it retains free of the requirements of the LUA. (S. 49, LUA)

4.1.2 Land Advisory Bodies

These are the Land Use and Allocation Committee (LUAC) and the Land Allocation Advisory Committee (LAAC). The functions of the LUAC are threefold. These are expressed in the LUA as advising the state governor on any matter connected with the management of land in an urban area; advising the state governor on any matter connected with the resettlement of persons affected by the revocation of rights of occupancy on the ground of overriding public interest; Determining disputes as to the amount of compensation payable for improvements on land. On the other hand, the functions of the LAAC are not similarly expressed in the LUA. There is just a provision to the effect that the LAAC is charged with advising Local Governments on any matter connected with the management of land in a non-urban area. The paramount position of the state governors is also evident in the constitution of these two bodies.

4.2 Land Administration in the FCT

4.2.1 Creation of the Federal Capital Territory

Abuja the new capital of Nigeria came into existence by virtue of the Federal Capital Territory Act, of 1976. A Master Plan for the City and the Territory was designed by the International Planning Associates, (IPA) and accepted/approved by Government in 1979. Construction work started in the early 1980s, while the seat of the Federal Government

[49] Sections 5&6, Land Use Act Cap L5, Laws of the Federation of Nigeria, 2004

finally shifted from Lagos to Abuja in 1991. Efficient control, administration and management of the entire FCT landmass became the key to successful implementation of the Abuja Master Plan and the orderly development of a "City- beautiful" envisaged by the Master Plan itself. The Land Use Act of 1978 is the principal law guiding land acquisition, resettlement, and its allocation to all eligible Nigerians; Private, Government organizations and Non - Governmental Organizations. It provides for the Government to hold land in trust for the use and common benefit of all Nigerians, for the realization of equity, fairness and justice in the control and management of land, resettlement and compensation purposes.

4.2.2 Legal framework for land administration in the FCT

The law establishing the Federal Capital Territory (FCT) was promulgated on the 4th of February, 1976 via the FCT Act[50]. The Act provides for the establishment of the Federal Capital Development Authority (FCDA), a body charged, inter alia, with the responsibilities of provision of municipal services within the FCT, including urban management and the establishment of infrastructural services in accordance with the master plan referred to above, and by implication the monitoring of general compliance with the said document. Given this mandate, the initial period was spent on the planning process, which includes physical and socio-economic studies culminating in the preparation of the city master plan and territory regional plan.

4.2.3 Land Administration Practices in the FCT (1978-2003)

Since the inception of the Federal Capital Territory (FCT), manual record keeping has been in use by all the land related departments of the former Ministry of Federal Capital Territory

(MFCT) and the Federal Capital Development Authority (FCDA). The city and its surroundings have been expanding rapidly beyond projections. With this rapid expansion, manual record keeping became inefficient, time consuming and prone to abuses. Subject land policy file move from table to table before it is due for issuance of the certificate which sometimes gets missing and the available alternative then is to open a temporary file. This then was perceived to be cumbersome and time consuming; most importantly information relating to and was not protected as it should be. Several unsuccessful attempts were made in the past to solve the problem. The attempts generally failed because of gross under estimation of the gravity of the problem and the ill-defined scope of the project. These and other reasons led to the conception of the computerization exercise. The Computerization of Cadastral and Land Registry of the Federal Capital Territory Abuja commenced in 2003. The computerization was conducted under the platform of a Geographic Information Systems (GIS) and Land Information System (LIS). The completion of the computerization gave birth to the Abuja Geographic Information Systems (AGIS), which is responsible for developing the geospatial information infrastructure of the FCT. In order to confirm the authenticity, adequate security, efficiency, fast retrieval of information and up to date records on land in the new Federal Capital City of Nigeria.

[50] CAP 503, Laws of the Federation of Nigeria (LFN), 2004

4.2.4 Problems of Land Administration in the FCT (1978-2003)

General Land administration was done manually. Manual system of operation has been in use ever since the creation of the FCT. The system was prone to a lot of problems such as,

i. Multiple Allocations and Forgeries of Land Documents

The manual system of operation and, disorderly working environment of the relevant Departments/Agencies involved in land allocation have often led to cases of multiple allocations.

The problem of scarcity of serviced plots in the city and the bureaucracy in the allocation process have led to speculative prices of plots that usually attract unscrupulous group to engage and perpetrate in forgeries of land documents. The manual method of operation in preparing land documents does not provide for sufficient security to the documents produced. Several bodies such as Area Councils, Local Chiefs, Development Control Department, Abuja Environmental Protection Board, Economic Development Department of the MFCT, Federal Housing Authority (FHA), Federal Ministry of Works and Housing and other institutions, were involved in allocation of land within the FCT. This situation gave room for abuses and distortions of the provisions of the Abuja Master Plan.

Plate 4.1 Manual system of Land Administration in the FCT (1978-2003)



Source: Abuja Geographic Information System

ii. Land Use Abuses and Encroachments

In the past, certain vital land allocations that have been provided for in the city land use plan for the respective districts and neighbourhoods have been converted into other uses. Such facilities include schools, hospitals, and sites for religious institutions, neighbourhood, district, and sector centres, fire fighting stations, green areas and parks. The conversion of these facilities distorted the concept of the Master Plan thereby making it difficult for residents of such neighbourhoods to comfortably live in these areas as depicted by the Master Plan (Klaus, 2008). There are cases of properties developed on the right of way of some utility lines and roads, while other property developers have also annexed footpaths and green areas unto their plots. Other problem of encroachment includes extension, annexation, illegal structure problems and building in green areas, right-of-ways.

iii. Multiple Surveys

Plots were allocated and processed for Titled Deed Plan (TDP) and subsequently for Certificate of Occupancy using preliminary survey data prior to physical demarcation and survey. Eventually, when the final survey is done and data produced, differences do occur between what is on such TDPs and the situation on the ground. Those that got their certificates of occupancy prepared and issued to them based on preliminary survey data often end up having different situation on the ground. Problems associated with TDP led to numerous types of errors such as distorted geometry of the plots, wrong coordinates of origin and wrong file/plot numbering

iv. Revenue Generation

The manual nature of record keeping and transactions in land related issues contributes to loss of revenue that could be generated to the coffers of the Ministry.

4.3 The 2003 Land Administration Reform in the FCT

Before 2003, land administration infrastructure in the FCDA and area councils, were manual and outmoded including the land records systems and land information system. The system was poor and inadequate. Information about landownership, location, boundaries, actual land uses and land values cannot be provided systematically by the FCDA and area councils. The operations of agencies involved in land administration were not coordinated and information integration was poor. There was considerable overlap and fragmentation of institutional responsibilities among land agencies. Too many offices were involved in checking & approving transactions According to the Task force final Report (2007), management of land records was inefficient, records were in perpetuity and usually have inadequate storage facilitates. There are limited inventories of land records. A large proportion of records were missing because of mishandling and theft, some were also misplaced during frequent transfer of records. Many of the remaining records were in a fragile condition and some have been illegally altered. In addition cadastral information was inadequate. There was no complete set of cadastral maps that showed titled and untitled properties and the boundaries of land parcels.

The most convenient way for a person to obtain information about the land is to visit the site, make enquiries and have the land resurveyed to check boundaries. Information in the land registry was not easily accessible. Title records in the registry of deeds, which is the ultimate repository of land titles in the country, cannot at times be matched with parcel or cadastral map numbers. These maps neither show nor match the cadastral information stored. Because of this mismatch, problems of duplication or overlap are not easily detected. The system of access is also manual, and hence inefficient.

Consequently the rapid expansion of the city cannot be sustained with manual record keeping, uncoordinated operations of the land related departments within the FCT could no longer support an efficient land management and administration, therefore there was the need to move with time and be up-to-date. Decisions were taken by the Federal Government and a taskforce on the computerization of the cadastral and land registry of the FCT was set up and inaugurated on 24th September 2003 to embark on complete computerization of the cadastral and land registry of the FCT. This led to the establishment of an agency known as Abuja Geographic Information Systems (AGIS).

4.3.1 Goals and Objectives of the Reform

The mission of AGIS is to provide a comprehensive, all-inclusive, foolproof and state-of the-art computerized geospatial data infrastructure for the Federal Capital Territory Abuja that will guarantee: continuity, scalability, flexibility, consistency, sustainability, and reliability. The Abuja Geographic Information System has the objectives of developing a comprehensive land policy for Nigeria in a systematic way to reducing poverty and enhancing economic and social growth by improving security of tenure, simplifying the process of acquiring land by the public, developing land market and fostering prudent land management by establishing efficient system of land administration. The objectives are as follows:

- The computerization of the land Registry, cadastral maps of phases of the FCC and the remaining part of the FCT.
- Facilitate land acquisition by provision of land allocation to land applicant
- Identification and eliminate multiple allocation, multiple file numbering and multiple plot numbering
- The products at the end should include information related to the ownership of plots as well as historical information such as changes in property ownership etc.

- Stop indiscriminate and inappropriate land allocation
- Stop faulty and cumbersome land administration
- Stop inefficient revenue collection and collect all land related revenue for the FCT

4.3.2 Components of the Reform

The organs that anchor the Reform are three, the Land use and allocation committee (LUAC); Abuja Geographic Information System (AGIS); and the Urban and regional planning (URP) department

4.3.2.1 The Land use and allocation committee (LUAC)

The Land Use and Allocation Committee (LUAC) in the FCT has been mandated to: "Advise the Minister on any matter connected with management of land; advise on any matter connected with resettlement of persons affected by revocation of Right of Occupancy on the grounds of overriding public interest; determining disputes as to the amount of compensation payable for improvement on land" as provided by Section 2(2) (a)-(c) of the Land Use Act of 1978. The Land use and allocation committee (LUAC) members consist of representative from each geo-political zone; they bring eligible applicant interest from their region and are politically influenced by political leaders. Members consist of directors of urban and regional planning, lands administration, and members of FCDA board etc. Rural land use and allocation committee is nominated by the chairman of the area council.

4.3.2.2 Abuja Geographic Information System (AGIS)

AGIS is charged with the responsibility for management and administration of land matters in the FCT including all issues related to title, registration searches and approval and other responsibilities prescribed by the minister (Bill on AGIS).The Agency also have general

responsibility of

a. Introducing, implementing and sustaining best practice for land ownership and title certification in the FCT.

b. Authority for land allocation. It receives, conduct due diligence on and verify applications for issuance of Right of Occupancy, Certificates of occupancy for land or the grant of other rights over land within the FCT and forward same to minister for approval and or grant of consent in accordance to the land use act

c. Develop and maintain a database of all land within FCT particularly with respect with title and title history location ,size, use, and other related indicators

d. permit access to existing data land for the purpose of conducting titles searches for member of the public at a fee to be prescribed from time to time and undertake all such other activities are required for efficiency management and administration of land matters in the FCT

e. The agency shall have the power to develop and maintain a Geographic Information System or such other appropriate system and structures in the FCT for research, land management and development planning.

4.3.2.3 Urban and Regional Planning Department

The department is charged with the responsibilities of the physical planning, and monitoring of land use in the Territory. It is responsible for the formulation and implementation of urban development policies in FCC; preparation of general land use plans for the four phases of FCC; preparation of detailed site development plan and preliminary engineering design for sector centers and residential districts within the phases of FCC; land use monitoring of the master plans of FCC; and processing and evaluation of all types of applications for

development purposes in FCC. Its functions also includes formulation of regional development policies for FCT; interpretation and implementation of regional development plan; preparation of planning scheme for township expansion and development in the area councils of FCT; coordinating development initiatives of all mandate secretariats, agencies & departments in FCT region; coordinating inter-regional development programmes between FCT and surrounding states; processing and evaluation of applications for development purposes in the FCT

4.4 The AGIS in Context

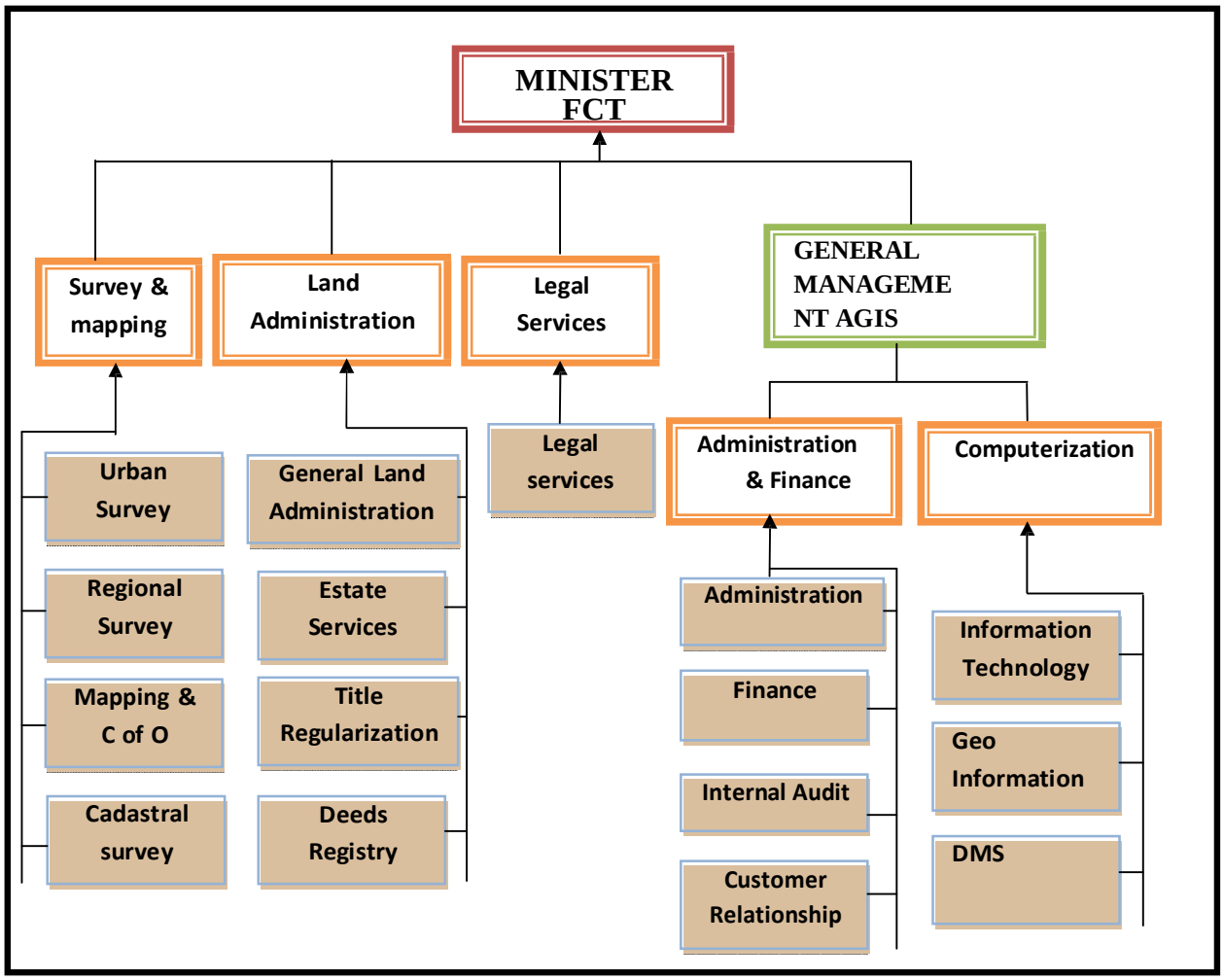
4.4.1 The Mandate and Operational Structure of AGIS

To solve the accumulated problems of land administration in FCT, a task force on the computerization of the cadastral and land registry records was set up on 4th August 2003. Between Februarys to April 2004 field verification along with data capture of development control department, Abuja Environmental and Urban and Regional Planning was done. Subsequently, to consolidate, it went into recertification. By August 2004 the name AGIS came into being and it also had its Logo. AGIS is tasked with responsibilities in these key areas.

- Clear unattended backlog of land applications.
- Identify multiple and illegal allocations.
- Resolving unclear situations in land allocation.
- Detect forgeries and document laundering.
- Isolate illegal encroachments on road , green areas, water, sewer and power lines
- Detect land use mismatch
- Eliminating inefficient revenue collection machinery.

- Provide a Comprehensive, All-Inclusive, State-of-the-Art, Foolproof, Computerized Geospatial Data Infrastructure for the FCT
- Establish the AGIS Agency as an independent service provider and as the only official source for Geospatial Data on FCT, covering all of FCT
- Guarantee Continuity, Scalability, Flexibility, Consistency, Sustainability and Reliability AGIS maintains funds which consist of the initial take-off grant from the FCT Administration and funds that are provided by the FCT Administration byway of annual subvention or otherwise; and other charges received by the Agency. All other sums accruing to the Agency by way of grants, gifts, testamentary dispositions, endowments, bequests and donations, income from any investment or other property acquired by or vested in the Agency; and such other sum as may accrue from time totime to the Agency, are managed in accordance with rules prescribed by the Minister, provided the rules shall contain; Specifying the manner in which the assets of the fund are to be held; Regulating payments into the fund and the matters to which the assets of the Fund; and then Requiring the keeping of proper accounts and records for the purpose of the fund in such form as may be prescribed. AGIS staff consists of 52 FCTA regular staff, 128 FCTA project staff and 35 AGIS project staff. FCTA is the Federal Capital Territory Administration and the regular AGIS staff comes from the Land Administration and Survey Departments. The 35 AGIS project staff are hired staff, have educational backgrounds in geography, planning and computer science. The 128 FCTA project staff is needed for mass data processing of land title data

Figure 4.0 AGIS Organizational structure

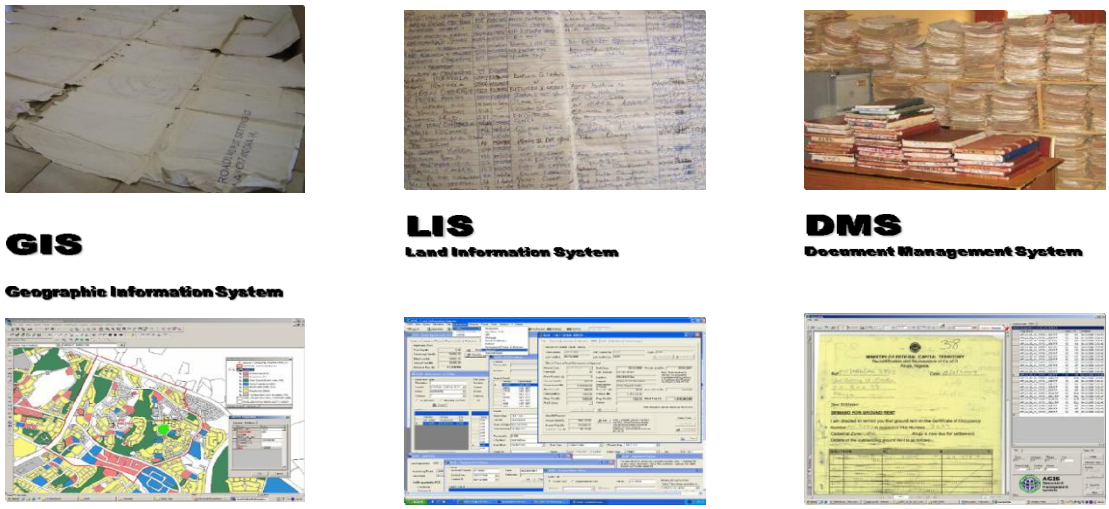


Source: Abuja Geographic Information System, 2009

4.4.2 The Activities of AGIS

The AGIS has two components Geographic Information Systems (GIS) and Land Information Systems (LIS). The GIS is the graphic aspect, where all cadastral information such as the master plan, land use plans, detailed site development plans, engineering infrastructure and all survey information are captured and stored in digital form. The LIS constitute the land attributes such as records of allocation, (name of allottees, plot numbers, plot sizes, uses and locations). It also includes records of all transactions such as power of attorney, deed of assignment, Mortgages, Subleases, Releases, devolutions. The Geographic Information System (GIS) was customized for the different applications (especially for the cadastral data) provided with a lot of security constraints in the ORACLE database. It is linked to the GIS and covers all land data and all land transactions and produces all necessary documents including Title Deed Plan TDP and Certificate of Occupancy C of O. Document Management System (DMS) was also developed and is linked to LIS and GIS. Information products consist mainly of maps, reports and Land Title Documents.

Plate 4.2 GIS, LIS, and DMS



Source: Abuja Geographic Information System 2009

The computerization of land tenure comprises plots in cadastral maps, land ownership and titles to land like Leases, Subleases, Assignments, Mortgages, Devolution and other Transactions. Land use is laid down in master plan, general and detailed land use plan and purpose clause in the land title. The GIS database differentiates proposed, assigned and real land use and is able to identify misuses.

4.2.3 The Procedures of AGIS

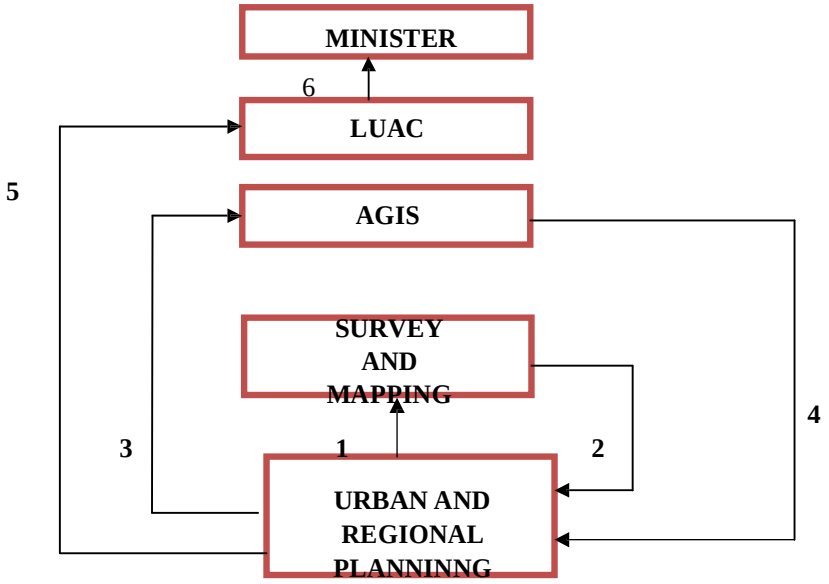
One of the prominent goals of land administration in the FCT is to ensure not only the efficient use of land but also the equitable distribution of land among all Nigerians from different part of the country and from all works of life (MFCT 1985). All application for statutory right of occupancy within the territory must be made to the AGIS on the prescribed official application form and application fee of N100, 000. The receipt for the payment of application fees must accompany each application either residential or commercial. Residential application must also be accompanied with two passport size photographs of the applicant, birth certificate or statutory declaration of age as well as current tax clearance; While certificate of incorporation/ registration is required in the case of corporate bodies (commercial application) as well as tax clearance certificate, an accepted feasibilit y study for investors, copy of memorandum and articles of association of the company among other conditions. After the submission of the application, files are opened for applicants according to their state. The applicants will have to wait till allocations are given. There is no specific duration for the waiting period. Plot allocation within the capital city is based on the provisions of the land use and FCT Acts. In the Federal Capital Territory all recommendations of the Land Use and Allocation Committee (LUAC) are subject to the approval of the honorable minister of the FCT, who signs all the rights and certificates of

occupancy issued to allottees. The Hon Minister of the Federal Capital Territory in accordance with the Land Use Act section 1(3) appoints the LUAC members. The current committee membership consists of directors of Engineering Services, Public works, Urban and Regional Planning, and Land administration as secretary and other board members. The following criterion is adopted in allocation of plots to individuals and corporate bodies; Equality of states, to ensure national integration; Date of application; Ability to develop. Although the criteria as stated above is fair and equitable, empirical evidences observed shows that economic and social realities makes it impossible for the application to be considered on the basis of the first come first served. Moreso, the date of application is down played due to delay in allocation. All the states of the federation are to be considered in all allocation on the basis of equality of states and numbers of applications. The following are the conditions of acceptance of the allocation. The offer must be accepted by the allottees within 30 days of the grant, plots allocated must be fully developed within two years, rents fixed are subject to revision from time to time and the term of each grant is 99 years maximum for residential plots. In summary the process is as follows:

- Urban and regional planning department of the FCDA source out for land.
- Survey department will run the perimeter survey of the area and provide the survey data and beacon numbers.
- Urban and regional planning department of the FCDA prepares a general land- use for the area.
- Processed application forms are compiled by AGIS and list of recommended applicants are sent to URP for recommendation. After URP grants recommendation, applicants list are forwarded to the minister for approval.

- Minister apportions and allocates plots to various recommended files passed by URP.
- Department of land administration compiles the approved list, passed on to the director of Land administration and finally sent to AGIS for printing.

Figure 4.1 Summary of the Process of land allocation



As established in section 4.72.2, AGIS is charged with the responsibility of general land management of the FCT, which includes processing of application for land for various preparation and registration of certificates of occupancy, land valuation for compensation purpose, probate valuation, processing transaction for mortgages, assignment, leases, and other debentures and other land related transactions. Land revenue involves premiums, annual ground rents and other fees, financial institutions with mortgages and land owners (title holders) with security for investments, collateral for mortgages, rents and subleases. The principle observed in fixing ground rents and fees for plots are made in strict compliance with section 16 of the Land Use Act. At the initial stage of development of the FCT, minimum fees and rent were charged considering the level of infrastructural facilities provided within these layouts. This was also done in order to attract entrepreneurs to assist the building of the new

city. However, revision of these charges is made periodically in order to reflect the prevailing economic realities.

An application fee is charged before an application form is processed. At the initial stage, the fee was regarded as a deposit, which was refundable but it is no longer the case as fees are non refundable. Lay out fee of premium is charged on any plot allocated to an individual or a company. This fee is payable before allottees takes physical possession of the plot(s) allocated to him or her. The fixed layout fee (or premium) for each category of use is a once and for all payment. Generally, fees are determined by land use or purpose clause. Assignment is the transfer of a right in or over property to another person. Application for minister's consent is sent in by the assignor, which is received and processed. The processes involves carrying out valuation, then AGIS through the lands department advices the minister on the amount they charge as fees for the transaction, seeking for approval. After approval by the Minister, the approvals are conveyed to the applicants who make the necessary payments and submit the deeds of assignment for stamping and registration. For power of attorney the same process of application is made to AGIS, but the Director of lands approves this and the amount charged is N102, 000 and N2000 for extra copy.

CHAPTER FIVE

ANALYSIS OF LAND ADMINISTRATION BY AGIS

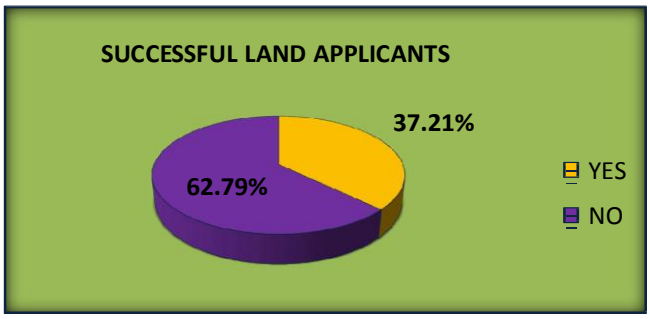
5.1 Introduction

This chapter provides the Assessment result of AGIS activities based on the selected criteria identified in chapter three. It explains the performance of the land administration system under AGIS and the shortcomings. The findings provide the basis for proposals made in chapter six. The results of the survey are reported in six sections. The principal target is to establish whether AGIS activities have complied with the six selected good governance principles.

5.2.1 Principle of Equity, Fairness and Accessibility

Equity and fairness as a good governance principle in land administration requires that access to land be equitable and fair. That is, land administration systems should remove unnecessary barriers to people's rights to a secured tenure for which no group within society should be marginalized. From the survey, it was established that AGIS framework has not engendered equity or fairness in land administration. Out of about 100% of those who applied for land, only 37.21% were successful. About 60% of the successful applicants indicated they had to use insiders to access land, while 40% had to follow up their allocation by paying-off. The 62.79% who were unsuccessful met the requirement for allocation but were not given. As established in Chapter Two, access to land by all should be equitable and fair; and guaranteed, irrespective of political or economic status.

Figure 5.0 Successful land Applicants



Source: **Field Survey,2009**

Access to land is essential for people to raise and stabilize their incomes and to participate in economic growth. The mechanisms for accessing and acquiring land must be accessible, unbiased and efficient. In this regard, AGIS structure does not comply with the principle of accessibility as shown in Table 5.0. It reveals that within a time frame of (2000 - 2009), out of a total of 82,744 applications for land, only 49,604 were approved. AGIS was establishment in 2004 and recertification exercise commenced in 2006 whereby an individual who applied for land since the inception of FCT and were not given was asked to update their records. This explains the reason for the highest activity of allocation at 120.54% and 128.43% in 2006 and 2007.The sharpest decline was in 2008 at 12.37%.

Table 5.0 Rates of Application and Allocation (2000-2009)

Year	Total Applications	Total Allocation	Allocation Rate (%)
2000	1651	302	18.29
2001	5383	2654	49.30
2002	5463	4554	83.36
2003	3190	2323	72.82
2004	1559	333	21.36
2005	19071	3747	19.65
2006	14982	18060	120.54
2007	9881	12690	128.43
2008	9177	1136	12.37
2009	12387	3805	30.72
Total	**82744**	**49,604**	

Source: ***Abuja Geographic Information System, 2009***

The survey on modes of acquisition as established in Table 5.1 showed that out of 100% response on mode of acquisition, about 33% purchased their land from individuals who either was allocated the land or had bought land, while only 31.51 % were allocated land. 70% of the respondents who purchased land did, to bypass the lengthy waiting period under

the formal procedures. There was a general response of paying more to access land through purchase and were at risk of buying fake or forged allocation paper from land speculators.

Table 5.1 Mode of Acquisition

S/N	Districts	Mode Of Acquisition									
		Allocation		Market Purchase		Transferred		Gift		Others	
	FCC	NO	%	NO	%	NO	%	NO	%	NO	%
1	Wuse	11	5.02	8	3.65	-	-	-	-	-	-
2	Garki	15	6.84	7	3.20	-	-	-	-	-	-
3	Mabushi	5	2.28	10	4.57	-	-	-	-	-	-
4	Jabi	8	3.65	10	4.57	-	-	-	-	-	-
5	Gwarimpa	4	1.82	11	5.02	-	-	-	-	-	-
	AREA COUNCIL										
6	Bwari	13	5.94	16	7.31	-	-	-	-	-	-
7	Gwagwalada	13	5.94	10	4.57	-	-	-	-	-	-
Total = 219 (100%)		**69**	**31.51**	**72**	**32.88**	**0**	**0**	**0**	**0**	**0**	**0**

Source: **Field Survey, 2009**

Few Estate developers also had formal access to land. About 75% of the estate developers made purchases from the open market. The 25% of the developers that had formal access paid off for services obtained at AGIS contrary to the norms. High costs in accessing land impact negatively the cost of doing business i.e. affects the prices and sizes of houses for sale. There is also denied access to land for prospective investors in mass housing.

Table 5.2: Acquisition of Land from AGIS (Estate Developers)

S/N	Estate Developer	Acquisition of Land from AGIS	
		Yes	**No**
1	Urban Shelter Ltd	1	4
2	Standard Form Devt Co.Ltd	-	1
3	Efab Properties Ltd	1	5
4	Triarch Nig Ltd	1	-
5	Transproject Housing Project	-	1
6	Prism Consult Nig Ltd	-	1
7	Global Formwork Nig Ltd	1	-
		4 (25%)	**12 (75%)**

Source: **Field Survey, 2009**

In terms of ease of access by institutional survey only 25% of those interviewed acknowledged easy access to land. Reasons given by the 75% included difficult processes and procedures, and bureaucracy, etc. The opinion of most of respondents' access to land at AGIS is determined by patronage. (See table 5.3).

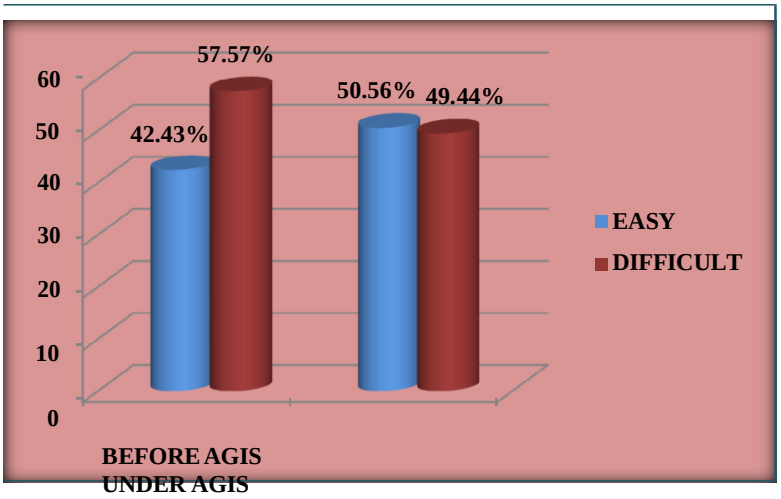
Table 5.3: Institutional Survey on Accessibility

S/N	Departments	Has AGIS Improved Access to Land	
		Yes	**No**
1	Urban & Regional Planning	-	1
2	Development Control	-	1
3	Survey and Mapping	-	1
4	Resettlement & Compensation	-	1
5	Engineering Services	1	-
6	Abuja Environmental Protection Board,(AEPB)	-	1
7	Satellite Towns Development Agency,(STDA)	-	1
8.	Parks and recreation	1	-
TOTAL		**2 (25%)**	**6 (75%)**

Source: **Field Survey, 2009**

There are also difficulties expressed by individual applicants. The survey reveals as shown in Figure 5.1 that about 58% considers that difficulty have come with AGIS establishment. Bureaucracy and cumbersome procedures and an over-centralized system are the perceived reasons. Others suggested administrative bottlenecks and the non existence of mechanism for detecting malpractices. As major concerns land administration under AGIS therefore share similarity with the conventional procurement system. No visible improvement exists.

Figure 5.1 Ease of Access to Land



Source: *Field* Survey, 2009

5.2.2 Principle of Transparency

Land administration reform entails that land allocation is undertaken transparently without ambiguity in authoritative roles, responsibilities and methodology for land allocation, appropriation and disposal. Full disclosure on the use of public land is a necessity and land management is to be guided by appropriate rules and regulations; and by openness. The compliance of AGIS to this requirement does not exist as established from the interview. AGIS neither publishes up - to - date information on land allocations nor the income from premium and processing charges. The excuses are tied to the conventional policy which does not allow for the publishing of land transactions. The lack of feedback pre-supposes the existence of corrupt tendencies. Public offer of information on land transactions and proceeds as a best practice ensures transparency, integrity and accountability. The result obtained when AGIS were benchmarked on the principle of transparency is shown in Table 5.15 in page 83.

5.2.3 Principle of Affordability

Affordability as a good governance principle in land administration requires that costs of acquiring land and services should be affordable and reasonable as well and should not be overly burdensome. High transactions cost are disincentives to investors. This variable was analyzed to determine people's capabilities to pay for land processing and transaction fees. Table 5.4 shows categories of old and new rates of land charges and premium in the FCC and the area council. The reasons provided by AGIS for increasing land charges is that, FCT plan is believed to be lagging and that since 33years from inception, less than 25% of the development targets has been achieved. That the global economic meltdown has affected the revenue input, therefore it was only sensible that the agency can self sustain.

AGIS also indicated that payments are to be kept in the bank accounts dedicated to each project and proceeds will be used solely for the provision of infrastructure in the district paid for. The fees according to AGIS is said to be below the current black market rate and the intention is to transfer the advantage currently enjoyed by speculators and racketeers to the end users of land in particular and the polity at large. Most categories of payment for land transaction are affected but the major increase is on the premium. The effect of inconsistencies and high charges levied from 2009-2010 brought about low turnout of clients coming to pay for land charges, which forced the authority to review down the land charges. The current land charges are still considered to be very high.

Table 5.4 Land Transactions Fees in the FCT

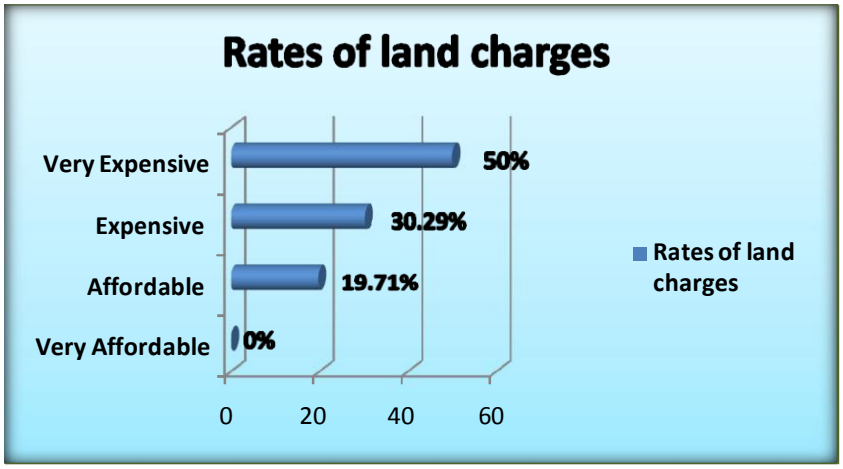
S/N	Transaction	Size	Old Rates (₦) (2000-2009)	New Rates (₦) (2009)	Latest Rates (₦)(2010)
1.	**Land application processing**				
	a. Residential	All sizes	50,000	100,000	100,000
	b. Commercial	All sizes	20,000	100,000	100,000
2.	**Premium charges**		**Per m^2**	**Per m^2**	**Per m^2**
	Central Business District (CBD) /Commercial		2,000	20,000	10,000
	(fully serviced) Residential (Maitama,		2,000	18,000	8,000
	(fully serviced) Garki I & II, Wuse I, Jabi, Guzape,		2,000	15,000	6,000
	(partially Serviced) Katampe, Jahi, Gwarimpa, Gudu, Mabushi, Wuye &		2,000	12,000	5,000
	(not serviced) Kaura, Dakibiyu, Kado, Dape		2,000	10,000	2,000
	Housing Estate	Fully serviced	-	2500	2,500
	Area Council	Residential	600	600	

Source: Abuja Geographical Information System,

2010

The responses on rates of land charges in Figure 5.3 representing about 30% and 50% are of the opinion that land charges are expensive and very expensive. They were of the view that the rates are outrageous and that it is only the well-to-do who can afford to pay for the land charges. Particular reference was made to the cost of certificate of occupancy which is said to be too high.

Figure 5.3 Rates of land charges

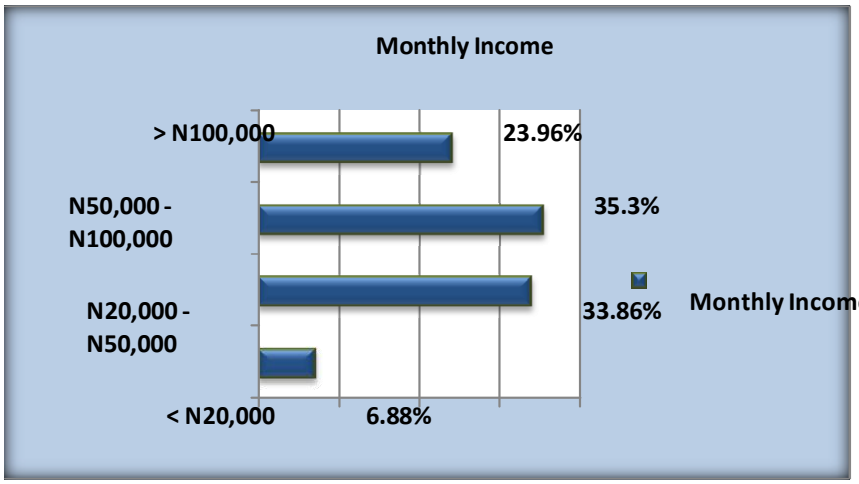


Source: Field Survey, 2009

The survey in Figure 5.4 on the rates of monthly income shows that about 24% of the respondents earns above ₦100, 000, while 35% earns between ₦ 50, 000 – ₦ 100, 000 as monthly income. It is said not to be sufficient to pay for the land charges even when they are given the land allocation. Particular reference was made to the cost of certificate of occupancy fees. From this survey, take for instance a land of about 1000 square meter within Phase two (i.e. Guzape) is allocated to an individual with a monthly income level of ₦ 100,000, and such an individual is required to pay for certificate of occupancy;

assuming such an individual saves 20% of his monthly income that is (₦20,000), that means such an individual will be required to pay ₦ 6,000,000 for the certificate of occupancy (See table 5.4. for land transaction fees). At 20% savings from ₦ 100, 000, then it will take such an individual 25 years to be able to pay such an amount of money for Certificate of Occupancy. In Recent time, total amount of the certificate of occupancy is required to be paid in full as against half instalmental payment before development can commence on any land. Cost of acquiring land and its services are unaffordable and high cost on land charges has encouraged land speculation. The effect is also seen in irregular urban development pattern especially at the peripheral zones of the FCT.

Figure 5.4 Rates of Monthly Incomes



Source: **Field Survey, 2009**

Client's turnout for payment of land fees in the last recent months has been observed to be very low. The total number of people that made payment from 2005-2007 is 28,669. In 2008-2009, AGIS received an average monthly client of 16,000.The revenue remittance for 2008 and 2009 is ₦7,056,802,068.46 and ₦ 11,453,225,543.32 respectively. That means the average monthly rate of revenue for 2008 will therefore be N441, 050.13 and N715, 826.60 for 2009.There was a 900% increase in the land charges in 2009, the average monthly rate of revenue should also by far increase to about ₦3, 969,451.17. This confirms a decline in the number of people paying for land transactions. If the basis for increasing land charges is due to land value in the open market and the cost of providing infrastructure, then it is only the extremely wealthy who will be able to afford those charges. Many people will be cut off from having access to land. The survey in table 5.5 and 5.6 illustrates the Number of client and the revenue remittance of AGIS

Table 5.5 Numbers of Client

Year	**Total Number Of Client**
2005-2007	28,669*(for the 2 years)*
2008-2009	16,000*(average monthly)*

Source, AGIS 2010

Table 5.6 Summary of Revenue Remittances of AGIS

MONTH	YEAR					
	2004(₦)	2005(₦)	2006(₦)	2007(₦)	2008(₦)	2009(₦)
January	-	20,000,000.00	382,976,255.00	737,819,605.24	242,705,447.07	
February	-	400,000,000.00	390,000,000.00	1,092,481,382.42	64,416.099.58	
March	-	515,197,243.27	272,700,872.52	304,082,991.20	523,051,824.95	
April	-	702,884,141.30	404,075,875.85	444,203,118.92	409.287,452.17	
May	-	321,705,882.49	242,033,011.00	432,668,102.48	613,000,000.00	
June	-	238,078,635.54	691,547,254.91	526,308,462.00	571,000,000.00	
July	-	413,626,258.28	576,314,252.90	653,513,228.07	535,000,000.00	
August	-	412,085,619.32	213,716,449.42	568,929,598.43	930,000,000.00	
September	70,000,000.00	361,243,306.89	266,684,247.74	904,018,464.26	650,000,000.00	
October	200,000,000.00	162,420,178.62	167,482,168.42	537,064,662.56	577,432,042.47	
November	160,000,000	248,312,126.00	328,442,893.44	238,021,342.69	1,169,774,210.57	
December	173,335,607.74	-	452,943,442.00		771,134,991.65	
Total	**603,335,607.74**	**3,895,553,391.71**	**4,388,916,723.20**	**6,439,110,958.27**	**7,056,802,068.46**	**11,453,225,543.32**

Source: Abuja Geographical Information System, 2009

71.43% of the Estate developers revealed that the charges are expensive as most of them purchased their land from individual who had large hectares and premiums; ground rents had to be paid. High cost of acquiring land also affects the cost of rent and housing unit for sale. This is against the norm of best practice in land administration, cost should be minimized to encourage participation and increase demand for the formal system and services provided (see table 5.7)

Table 5.7: Issues on Land Charges (Estate Developer)

S/N	Estate Developer	Land Charges	
		Affordable	**Expensive**
1	Urban Shelter Ltd	-	1
2	Standard Form Devt Co.Ltd	-	1
3	Efab Properties Ltd	-	1
4	Triarch Nig Ltd	1	-
5	Transproject Housing Project	-	1
6	Prism Consult Nig Ltd	-	1
7	Global Formwork Nig Ltd	1	-
		2 (28.57%)	**5 (71.43%)**

Source*:* Field Survey, 2009

5.2.4.1 Principle of Effectiveness

Effectiveness in land administration is concerned with or having the function of accomplishing and executing services delivered to users in a timely manner in accordance with the set service standards. Technical solutions should be based on available capacity and appropriate technology. AGIS structure is not in adherence with the principle of effectiveness. Table 5.8 shows that AGIS staff capacity is made of 215 staff. 87 staff (about 40%) makes up the permanent staff while 128 staff (about 60%) are contract staff. It has been observed that, a large number of the contract staff, as well as some permanent staff engage in shady practices in land allocation. For instance, 83 staff from AGIS were sacked (with most of them being contract staff) as a result of conniving with fraudulent land buyers to forge documents and input them into the computer of AGIS, thus allocating lands to people without the authority of the minister (May Daily Trust, Monday 3 2010). There is consistent problem of multiple allocation, forgery and abuse of land records. The result obtained when AGIS were benchmarked on the Principle of Effectiveness is also shown in Table 5.15 in page 83.

Table 5.8 AGIS Staff Capacity

S/N	STAFF	NOS
1	**Lands**	
	Land Officers	9
	Planners	18
	Estates Officers	20
	Legal Officers	2
	Administrative officer	3
2	**AGIS**	
	Administrative officer	12
	Account And Audit	13
	Survey	10
3	**Contract Staff**	128
	TOTAL	**215**

Source: Abuja Geographical Information System, 2010

There has been oversight to land administration in AGIS due to services not being executed and delivered to users in a timely manner. As revealed in page 66, Table 5.0, on rates of application and allocation. The total number of land turned out for allocation is small compared to the numbers of applications received. For instance in 2008, 9177 applications were received and only 1136 plots of land were turned for allocation, just about 12%. In 2009, 12387 applications were received and 3805 applicant were allocated with plots which is just about 30%.To show that the system is effective there should at least, be about 70% land allocation to application.

5.2.4.2 Institutional Survey on Effectiveness

The rating of AGIS by different departments and agencies was also sought. Those who acknowledged their poor performance constituted 71% of the respondent while those who saw effectiveness in the performance were 29%. The reasons given for the poor performance is reflected in the way AGIS undermines the functions of some of these departments. For example, response from the interview in Urban and Regional Planning (URP) department

discloses that when plots are turned out for allocation in AGIS from the department, certain areas in the layout design are reserved for specific purposes, but as soon as it gets to AGIS the reserved areas are carved out for allocation and are usually not reconciled with the URP layout. The response from survey and mapping department brought to light that, plotting is no longer done on intelligent sheets as it was easier to detect overlaps in allocations. With computerization of land administration, it is easy to feed any information into the system without proper verification; hence there are still cases of forgeries and multiple allocations. Development control identified the problem of communication gap between her and AGIS. For instance any time a land title is revoked by AGIS, development control are not informed, despite the fact that some of these title holders do have building and setting out approval. These anomalies downgrade the credibility of the development control unit and create administrative problems for them. Communication gaps is also a problem between AGIS and Parks and Recreation Department as some of the areas earmarked for green are converted into other use and allocated without proper consultation with them. Most of which are not recoverable due to personal interest. Effectiveness, consistency and predictability as a successful operational practices ensure high service standards. Table 5.9 illustrates the rating of AGIS performance.

Table 5.9 Rating of AGIS Performance

S/N	Departments	Rating Of AGIS Performance	
		Good	Poor
1	Urban & Regional Planning	-	1
2	Development Control	-	1
3	Survey and Mapping	1	-
4	Resettlement & Compensation	-	1
5	Engineering Services	1	-
6	Satellite Towns Development Agency	-	1
7	Parks and recreation	-	1
TOTAL		2 (28.57%)	5 (71.43%)

Source: Field Survey, 2009

5.2.5 Principle of Efficiency

Efficiency as a good governance principle in land administration entails assigning unambiguous institutional responsibility for the land administration service and clear focus on service delivery, which is responsive to user needs in a manner that will build user trust. The overall process of service delivery should be seen as business rather than bureaucratic processes as established in Chapter Two to which AGIS is lacking. The survey in Table 5.10 revealed a total of 39.73% and 39.73% of difficult and very difficult procedures for land acquisition totaling 79.32%. The opinion for difficulty in processing for land includes bureaucracy and tedious process. 80% of the difficult and very difficult processes acknowledged administrative bottlenecks, and unstable policies. About 95% acknowledged that land acquisition processes are not clear, short and simple. 90% also added that uniform service standards are not ensured at the area council's zonal land offices and regular revocation of plots makes the system inefficient.

Table 5.10 Processing for Land Acquisition

S/N	Districts	Processing for Land Acquisition									
		Very		Easy		Okay		Difficult		Very	
	FCC	No	%	No	%	No	%	No	%	No	%
1	Wuse	1	3.33	4	13.33	3	10.00	8	26.67	10	33.33
2	Garki	-	-	-	-	3	10.00	11	36.67	11	36.67
3	Mabushi	2	6.67	1	3.33	2	6.67	7	23.33	14	46.67
4	Jabi	-	-	2	6.67	5	16.67	11	36.67	9	30.00
5	Gwarimpa	-	-	1	3.33	1	3.33	14	46.67	7	23.33
	Area Council										
6	Bwari	2	4.00	4	8.00	4	8.00	21	42.00	16	32.00
7	Gwagwalada	1	2.00	4	8.00	3	6.00	15	30.00	20	40.00
Total= 219 (100%)		**6**	**2.74**	**16**	**7.31**	**21**	**9.59**	**87**	**39.73**	**87**	**39.73**

Source: **Field Survey, 2009**

The opinion of the Estate developers on processes and procedure for land acquisition through AGIS was also sought. 85.71% of the respondents are of the view that it is difficult and that the longer steps in procedure gives more opportunity for corruption and inefficiency. However 14.29% of these indicated ease of land acquisition e.g. Triarch Nigeria Ltd is in private partnership with FCDA in delivery of mass housing (see table 5.11). The interview with AGIS shows that AGIS is slightly efficient in registering of property transactions which takes 1-2 weeks and only involves the entry of the information into the system, but the processing to acquire the land itself takes much longer and an indefinite period of time.

Table 5.11: Processing for Land Acquisition (Estate Developers in FCT)

S/N	Estate Developer	Acquisition of Land from AGIS	
		Easy	**Difficult**
1	Urban Shelter Ltd	-	1
2	Standard Form Devt Co. Ltd	-	1
3	Efab Properties Ltd	-	1
4	Triarch Nig Ltd	1	-
5	Transproject Housing Project	-	1
6	Prism Consult Nig Ltd	-	1
7	Global Formwork Nig Ltd	-	1
	Total	**1 (14.29%**	**6 (85.71%)**

Source: Field Survey, 2009

Land administration reform requires a consistent and coherent legal framework for efficiency and the general guidance of the rule of law to protect property rights without fear of revocation. The terms of revocation sometimes are not adhered to as verified from the Benchmarking in Table 5.15 in page 83. Table 5.12 shows that in 2005 there were about 1939 land titles which were revoked. 2006-2009 had 3342 land revocations although the figures may not be absolute as very few have been reinstated. Reason for the revocation according to AGIS includes contravention of terms and condition, non- development, overriding public interest, previous commitment, and cancellation of accelerated development programme amongst others. It has been observed that 70% of the revocations are due to non-development. There are lots of title owners especially in phase two and phase three of the FCT who are unable to develop or take physical possession of their land due to no infrastructure, yet they get there titles revoked. Inconsistent legal framework also makes it easy for any ruling government to revoke people's land without necessarily due to contravention of terms of Right of Occupancy and Certificate of Occupancy. An efficient land administration system is consistent in its services; there should be no allocation at all in the first place in those districts without infrastructure.

Table 5.12 Data on rates of Revocation

S/N	Period	Nos Of Revocation
1.	2005	1939
2	2006-2008	2657
3	2009	685
TOTAL		**5281**

Source: Abuja Geographical Information System, 2010

FCDA has a legal unit that attends to land cases. It has been observed that very few cases are reported to them. Most people go directly to the court on issues of land. The survey in

Table 5.13 shows that the legal unit has only 43 cases on revocation from 2004 -2010. From the interview at the legal services unit, it was noted that majority of the complaints received from revocation, demolition and encroachment ends up not been thoroughly attended to. This explains the reason for the few numbers of complaints. There are deficiencies in the systems in relation to efficiency and the rule of law

Table 5.13 Data on Reported Land Cases (2004-2010)

S/N	Complaints	Nos
1	Revocation	43
2	Demolition	450
3	Encroachment	1
	Total	494

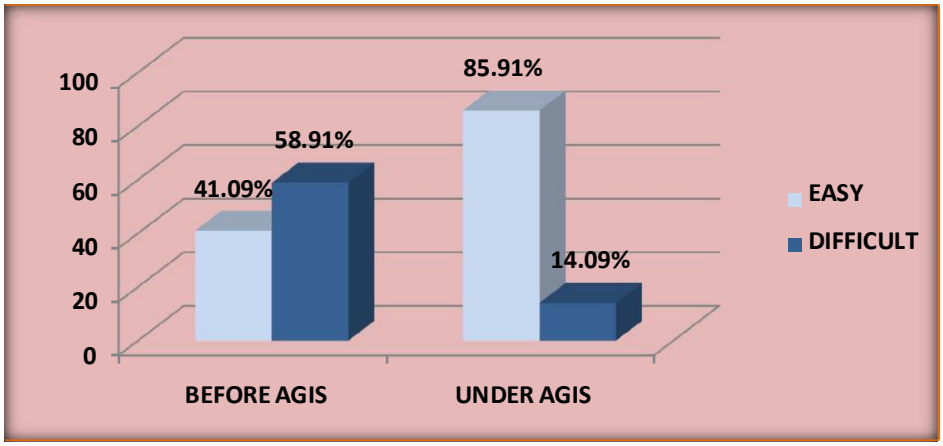
Source: FCDA Legal Unit, 2010

5.2.6 Principle of Civic Orientation

The tenets of client orientation entails that land administration improve access to information and effective data storage of land information. Public records should be made available upon request and up - to date as recognized in the review of literature**.** The framework of AGIS has to some extent complied with this principle of client orientation. The survey reveals as shown in Figure 5.5 that 58.91% considers difficulty getting access to information before AGIS. Manual search for information and manual automated records are the perceived reasons. Others suggested non- computerized system, muddled up land registry records which are fraudulently altered resulting in loss of files due to poor data management. Computerization improves storage, access, retrieval and sharing of data, both spatial and textual. As a major achievement in AGIS, the field survey reveals about 86% of the respondents appreciated the ease of access to information. Computerized system which has aided effective data storage of land information and documents are the observed explanation. But it will

suffice to say that the system has not been responsive to public participation. The level of involvement of the public and stakeholders in land administration processes is very minimal. For instance AGIS has a website from the interview conducted (page 83 refers), but do not have hotline and customer survey to measure customer's satisfaction and to enable customers to report misconduct within the system.

Figure 5.5 Ease of Access to Information



Source: Field Survey, 2009

5.3 Performance Assessment of AGIS (Institutional survey)

The overall assessment from the institutional survey reveals that, there is 26.19% improvement in the performance of land administration in AGIS as summarized in table 5.14

Table 5.14 Assessment of AGIS Performance (institutional survey)

Assessment criterion	URP	DC	Survey & Mapping	Resettlement & Compensation	Eng Service	STDA	Parks & Recreation	All		Percentage (%) Of Compliance
								Yes	No	
Efficiency & effectiveness	No	No	No	No	Yes	No	Yes	2	5	28.57%
Transparency	No	No	No	No	Yes	No	No	1	6	14.29%
Equity and fairness	No	No	No	No	No	No	No	-	7	0
Affordability	No	No	No	No	No	No	No	-	7	0
Civic orientation	No	Yes	Yes	Yes	Yes	No	Yes	5	2	71.43%
Accessibility	Yes	No	No	No	Yes	No	Yes	3	4	42.86%
							Total	11 26.19%	31 73.86%	

Source: Field Survey, 2010

5.4 Benchmarking and Hypothesis Testing

5.4.1 Benchmarking the AGIS Performance

The need to benchmark AGIS activities against the adopted Good Governance Principles is to permit a general interpretation of the results obtained from the study. The results obtained is shown in table 5.15.

Table 5.15: Bench Marking AGIS Activities

Assessment Criterion			AGIS Survey		Applicant/Beneficiarie s survey	Field Assessment of Performance
S/N	Indicators		Land Policy	Response	Response	
1.	Efficiency	Procedures to register property transactions should be short and simple. The fewer steps there are, the less opportunity for informal payments. Good governance in land administration requires a consistent and coherent legal framework for efficiency and general prevalence of the rule of law to	A) Length of time taken to register property /land transaction and number of steps B) Criteria used in plot revocation	A) 1-2 weeks, Number of steps cannot be accounted for varies with the type of transaction. B) Non-development within stipulated time, contravention of terms in the R of O and C of O	Processing for land acquisition shows difficulty it is said to be tedious and bureaucratic in nature. Rates of revocation	NO NO
2	Effectiveness	The effectiveness of land administration depends on capacity building and political will. Technical solutions should be based on available capacity and appropriate technology	A)Problems associated with operations of land administration	A)Insufficient professional, lack of qualified man power, forgeries	They have insufficient professional and lack of qualified man power.	NO
3	Transparency and accountability	Decision-making regarding land should be transparent, with processes open to all members of society. accountability and confidence in the agency creating public feedback mechanism	A) publishing of up-date information to the public B) Publishing of land allocated and breakdown of the land charges and returns at the end of the year? C) publishing of	A) Frequently B) NO C) NO	Quite a number of those who got land allocation from the formal system had to go through a medium.	NO

			what the returns is used for	returns		
4	Subsidiarity and depoliticization	Implementation of uniform service standard. Physical access requires some level of some services to be decentralized.	Management of land and allocation in the area councils	No more allocations in the area council	Processing for land acquisition shows difficulty it is said to tedious and bureaucratic in nature especially for those at the	NO
5	Civic orientation and responsiveness	Client orientation and responsiveness can be achieved through improved access to information, Customer survey to measure customers' satisfaction and hotlines to enable customers to report corruption and misconduct. Base on stakeholder involvement and effective implementation of policy.	A) Ease of access information in AGIS B) customer survey to measure customers satisfaction and hotline to report misconduct Level of involvement of the pubic in	A) computerization has made access to information easy in AGIS B) Yes, we have a website but do not have hotline to report misconduct The public are not too involved	Access to information has improved due to the computerization of land administration in AGIS	A) YES B) NO
6	Equity, fairness and accessibility	All people should have the same access to land and receive the same service independent of their political or economic status.	Processes of land allocation	A) According to states and numbers of application. B) Based on first come first served.	A) LUAC committee is not functioning, allocation is based on choice. B) Response from those who were successful on application got assistance from an insider; some had to follow up their allocation by paying- off	NO NO
7	Affordability	Costs of services should be minimized to encourage	A) Revenue turnout on land in the last recent months	A) Very low B) Land value in the open	The explanation from the respondent to outrageous rates includes their level	NO

		increase demand for the formal system and services provided	**B) Criteria followed for fixing land charges**	**property value and cost of providing infrastructure**	**monthly or annual income and saving not been adequate to pay for the**	

Source, Field Survey 2009

The benchmarking in table 5.15 shows and analyzed the gaps in FCT land administration system. The field assessment of AGIS performance shows that the outcomes of AGIS activities has not engendered positive outcome.

5.5 Statistical Analysis of Findings

This section measures the hypothesis of the research established in section 1.3. The chi-square contingency procedure was used to test the hypothesis. The variables are extracted from the questionnaires and the stipulated level of significance value of five (5) percent (0.05) was selected. The hypothesis tested is shown below and the result in table 5.16

H_O - Land administration under AGIS has not significantly engendered positive outcomes in the Federal Capital Territory

H_I - Land administration under AGIS has significantly engendered positive outcomes in the Federal Capital Territory The established values obtained are

a = 0.05

df = (r-1) (c-1)

r = numbers of rows

c = number of columns

df = (7-1) (6-1), r = 7 c = 6 df

= (7-1) (6-1), df = (6) (5)

df = 30

X^2 = 26.7959

Critical value at df 30 at 0.05 % = 43.773

The critical value obtained at 0.05% is 43.773 and the Chi-square X^2 (calculated value is 26.7959).That Critical value (43.773) is greater than the calculated value (26.7959), suggests that a significant difference between land administrations under AGIS and its performance in the Federal Capital Territory exist. For that reason **H_0** is accepted and **H1** is rejected. Therefore, land administration reform under AGIS can be said to have not been significantly improved in the Federal Capital Territory.

Table 5.16: Chi-square contingency table of AGIS assessment from applicant/beneficiaries survey

	Districts	Equity & Fairness	Transparency	Accessibility	Affordability	Civic orientatio	Efficiency	Total
1	Wuse	11(9.9488)	4(4.6140)	11(9.9488)	6(4.4698)	22(26.8186)	8(6.2)	62
2	Garki	15(10.1093)	6(4.6884)	15(10.1093)	3(4.5419)	21(27.2512)	3(6.3)	63
3	Mabushi	5(7.0604)	3(3.2744)	5(7.0604)	2(3.1721)	24(19.0326)	5(4.4)	44
4	Jabi	8(8.9860)	5(4.1614)	8(8.9860)	2(4.037)	26(24.2233)	7(5.6)	56
5	Gwarimpa	4(5.9372)	3(2.7535)	4(5.9372)	3(2.6674)	21(16.0047)	2(3.7)	37
6	Bwari	13(14.1209)	7(6.5488)	13(14.1209)	7(6.3442)	38(38.0651)	10(8.8)	88
7	Gwagwalada	13(12.8372)	4(5.9534)	13(12.8372)	8(5.7674)	34(34.6046)	8(8)	80
TOTAL		69	32	69	31	186	43	430

Source: Field Work, 2010

5.6 Urban Development Implications

a. Implications of lack of Access to land

The consequence of inequitable land distribution and restricted access to land through the

official channel results in people finding informal means to cope with their needs, leads to land speculation and encroachment. Land speculation occurs when the demand for land, at the present time or in the near future, outstrips the supply of land. This can be caused by several factors both on the demand side and on the supply side. On the demand side, land speculation can be triggered by excess liquidity in the financial markets caused either by rapid economic growth or by a lack of opportunities for investors in other sectors of the economy in slow growing economies like that of Nigeria. In either scenario investors invest on a short term to medium term basis in the land market, waiting for prices to increase and sell their tenure at a profit. This is the situation in AGIS; land speculation has driven land prices beyond the productive value of the land. On the supply side land speculation is caused by administrative bottlenecks in the availability of serviced land (land with basic infrastructure such as roads, water, electricity).These bottlenecks are caused by land development in phase or in the transaction phase. Speculation in the land market in FCT has made land unaffordable even for many and they are forced to find shelter illegally which in turn bring about several ills including, creation of slums and squatter settlements, environmental deterioration, and an inefficient urban development pattern.

b. Implications of Ineffectiveness

Denzin[51] empirically illustrated that insecure land tenure prevents large parts of the population from realizing the economic and non-economic benefits such as greater investment incentives, transferability of land, improved credit market access, and more sustainable management of resources. Issues affecting land use arrangements, which often directly affect people's livelihoods, can result in high levels of social unrest. Also constant revocation of

[51] Denzin, Norman Kent (1970): The Research Act in Sociology: A Theoretical Introduction to Sociology Methods, Butterworth, London

someone else land to give to another often results in land disputes and increase tenure insecurity thereby reducing investment potential in an economy.

c. Implications of non-Affordable system

High transaction cost of land charges gives opportunities for inappropriate practices such as bribery as there will be fewer formal transaction and avoidance of formal land market. It discourages registration and consequently investments on land. Informal land transactions to obtain access to land are one of the major avenues left to the landless; this is illustrated by informal settlements or squatting. The effect of high cost decreases revenue collection and widespread loss of credibility for formal land administration and the ultimate effect of impaired economic and social performance (Antonio)[52]. Land in FCT is owned by the government, these vested interests gain more by keeping the land while they profit from the status quo, and the prime losers are the urban residents, particularly the urban poor.

d. Implications of Inefficiency

Efficiency in land administration systems are a prerequisite for well functioning cities. Government is charged with the responsibility of providing infrastructure in all the districts in the FCT. It has been observed that the average time lag between the announcement of a land development scheme and actual delivery of serviced plots can take an indefinite period. The implication of these increases pressure on serviced lands and properties in phase 1 due to high demand. This affects house rent generally in the FCT which is also at an exorbitant price. When the prices of accommodation both for residential and commercial are high, it will affect the cost of living and increase the cost of doing business in the city and adversely affects the urban economy of FCT. FCT suffers from distortions caused by inefficiency in

[52] Antonio Danilo (2010): Instituting good governance in the land administration system – the Philippines' perspective

land allocation in districts without infrastructure. This is a major factor that has encouraged land speculation and poor functioning of land market.

e. Implications of lack of Transparency

Corruption and abuse of power can adversely impact the business climate, economic activities, and increase cost of doing business. It prevents potential investors from investing in the cit y as reputable international businesses will avoid countries where they have to compromise their integrity and principles. Constant revocation of peoples plot due to vested interest has resulted in tenure insecurities. The consequences include tenure insecurity, exclusion on access to land, limited land markets, and increased land disputes between individuals. Functional ambiguity in AGIS makes it out of touch with people's expectations and desires. AGIS have allowed for land speculation which has priced the majority out of the formal land markets, into the informal land markets. People are also at high risk of purchasing forged land allocation. This has given rise to slums, squatter settlements and illegal sub-divisions especially in the satellite towns.

CHAPTER SIX

SUMMARY AND CONCLUSION

6.1 Summary

Land, in an economic sense, holds the key to the prosperity and social justice of a nation. Land issues and Land administration reforms are indeed exigent and it cut across society without exception in the FCT, many of them can contribute to improving the overall quality of governance in a country. AGIS to certain extent has been a worthwhile exercise which has improved from manual operation to computerization. However, it has not incorporated properly the norms of governance in land administration. Integrating good governance in land administration will offer various ways to improving the actual situation, supported by an appropriate land administration reform implementation.

Land administration reform must be based on enlightened discourse and best practices. Any land administration reforms should have underlying well thought out goals. It is those goals that would guide the reform purposes and successful implementation. Hence, the starting point of the land administration reforms should address attendant issues of availability of land, security of tenure, ease of transaction as well as the timeliness with which processed land is made available in adequate amounts at right locations and at affordable prices to the people in a way to ensure its optimum use in terms of efficiency, equity and meeting of basic human needs. When good governance in land administration exists, decision-making is more transparent and participatory, the rule of law is applied equally to all, it will contribute to a simplified land administration and more sustainable urban development.

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6.2 Findings

6.1.1 Lack of Fairness and Equity

As established from the study, AGIS procedures do not engender equality and fairness. Decisions in land management are not done following established rules and regulations. Checks and balances for enforcement of good governance are lacking. Those affected by land administration decision, including the organized private sector lack basic facts to feed into decision making processes. Lack of equity and fairness is explained largely by the non-existence of the Land Use Allocation and Advisory Committee (LUAC)[53]. The Committee was reconstituted at the heat of the reform, but does not function. The responsibility of the LUAC is that of assessing applications and making recommendations for approval of tenure to applicants based on relevant principles that include gender, social, economic and geo-political considerations[54]. As it was before the reform, land allocation has remained under the discretion of the Minister. Under that circumstance, allocations and approvals are purely dictated by personal choices. The absence of a functional LUAC implies that no mechanism exist to ensure equity and fairness in land administration at the FCT.

6.1.2 Poor Accessibility

In the FCT, informal rather than formal systems anchor land supplies. The reason for this pattern is that, the centralized land management approaches under AGIS are too bureaucratic. Their processes are slow and lengthy, more often with huge cost implications. A lengthy and costly procedure is what created the incentive for alternate land institution to exist. In this

[53] See Section 2(3) Land Use Act (Supra)

[54] Section 2(2) Ibid

context, the Area Councils have been active and make contributions higher than that of AGIS. Physical access often requires some level of service to be decentralized

6.1.3 Lack of Affordability

The study has established costly process of land acquisition that has made access relatively unaffordable. Two explanations are given first; the processing fees and premium are generally high. Processing fees with the establishment of AGIS have increased by 50%. The average processing fees and premium of N100, 000 and N6, 000 per square meter of land of about 1000sqm, represents 500% of the annual earnings of the public servant who earns about a N100, 000 monthly. The second explanation ties to the first. High transaction cost has brought disincentive to people which in turn has increased informality. Besides the premium and processing charges, bureaucracy has created an incentive for corruption. It introduces an additional cost of between 20-30%.

6.1.4 Lack of Transparency

Lack of transparency is explained by bureaucracy and corruption in AGIS which includes all kinds of informal payment to obtain and speed up service that has been already paid for. Ineffective mechanism for sanction and informer protection schemes are not in place i.e. the development of procedures to facilitate the reporting of actions perceived to be against the standards set in and taking action against those in breach of the rules in the system. It has encouraged AGIS officials to transfer or allocate land without the minister's approval to and for their own profit (abuse of power). There is also no dissemination of information to the public. Regular land allocation list and revenue generated in AGIS and what it is being used for are not published.

6.1.5 Lack of Public Participation

As established from the study, people are not brought into the processes of land management. Major stakeholders in the city such as the public sector, the private sector including developers both formal and informal, professional such as (surveyors, planners, and lawyers, estate developer; and financial institutions are not identified and brought together in a forum to develop a vision of an inclusive city. Knowledge base and information on acquisition and dissemination on land management amongst the stakeholders are solely a technical process and not interactive. Interest groups who share common interest in land, be it an individual site or plot, are not involved in any land administration reform forum.

6.1.6 Inefficiency of AGIS Activities

In FCT, information flows, technical procedures associated with land and sharing of existing data sets amongst other land related department is uncoordinated. Inefficient is also caused by Geographic Information Systems not installed at the area council zonal land offices in the area councils. This inefficiency can be traced to ineffective implementation of policy. Before altering an existing system or introducing a new one, it is essential that the requirements of those who will use or benefit from the system are clearly identified. Need assessment of user requirements at a very early stage of AGIS were not carried out, so that clear and comprehensively processes and procedure will be identified prior to AGIS commencement. Again, the procedures available for the acquisition of land are bureaucratic and not clear. This complex and inconsistent land administration has easily led to multiple allocations, land transfer and revocation through which legitimate land owners lose their possession or ownership rights.

6.3 Recommendations

6.3.1 AGIS Land Administration should Operate with Fairness and Equity

Land policy reform is the foundation on which the systems in a country for land management and development are built. It must encourage efficient and maximum utilization of land through land market with the forces of demand and supply interacting. Such land administration reform should provide access to land for all irrespective of social and economic status; and should be compatible with existing policy instruments for economic development which should integrate well. Economic growth tends to be higher and more broadly shared when people have equitable and secure access to land. Countries with more equitable land distribution achieved growth rates two to three times higher than those where land distribution was less equitable. Therefore to ensure Fairness and equity in the FCT, First the Land Use and Allocation Committee (LUAC) needs to be properly constituted and allowed to function. Secondly there should be checks and balances for enforcement of good governance in the AGIS system. Thirdly those affected by land administration decision, including the organized private sector should know the basic facts to feed into decision making processes

6.3.2 Customer Interface and Client Survey for Efficiency

The overall process of service delivery should be seen as business rather than bureaucratic processes. Streamlining of process flows is an essential part of achieving efficiency. Customer interface is a key element to improving AGIS's image. AGIS workflow can be reorganized and state-of-the art technology installed. As client come in, clear information about acquisition and registration of property such as procedures and forms needs can be displayed on computer panel, the entire workflow should monitored by the head of the

office to ensure that customers do no wait longer than specified time. There should be client survey to gain insight into the level of awareness and knowledge of customers regarding service standards, performance in delivering services, and degree of client satisfaction with the operation of the system and stakeholders views of shortcomings in the system function. Therefore processes and procedures available for the acquisition of land would be clear, understood by the general public and delivered to users in a timely manner in accord with the set service standards. AGIS will operate at an optimum when the roles and responsibilities of the land related departments agencies are clear and land delivery improved through the sharing of information with other land department. AGIS should decentralize its operations and computerize the area council zonal land offices. Efficiency often requires some level of service to be decentralized. This will maximize the potential for inclusion of the citizenry in the process of land governance at the grass root. To also ensure efficiency in AGIS, it is essential that the requirements of those who will use or benefit from the system are clearly identified. This means that a wide variety of user communities will need to be consulted in order to understand their requirements and the constraints under which they currently operate. The assessment of user needs should be made from time to time.

6.3.3 Participation of Key Stakeholders

People are the principal wealth of cities; they are both the object and the means of sustainable development. The analysis should then be subjected to informal consultations with the various actors in the land market. This can be achieved in FCT by active participation of key stakeholders such as the private sector and other institutions are necessary. Credible and sustainable land administration and its implementation can be achieved through regular, organized and open consultations of major stakeholders on matters concerning land. Making

use of mechanisms such as public hearings at least once in four month is required in FCT. This process will enhance the overall understanding of the land processes. Care should be taken to make the process of consultation and hearings as inclusive as possible. Such a process often results in the actors themselves suggesting solutions to the problems identified in the land market analysis and will serve as a strong shield against vested interests.

6.3.4 Hotlines in AGIS for Transparency

The objective of a hotline is to provide access to the public to launch formal complaint to the authority in case of misconduct from staff. Complaints can be made by phone, mail or email or such matters as non-compliance with service standards and misconduct of staff in AGIS. The information on how to access the hotline needs to be communicated widely through leaflets distributed to the client. TV and radio can also serve to inform the public. The information about the hotline should be posted in every office and on their websites. AGIS should also have hotlines establish clear procedures to follow-up on complaints and communicate back to the public. This will improve the credibility of AGIS and its commitment to dealing with corruption and misconduct.

6.3.5 Public Access to Cadastre via Internet – Web Based Land Information System.

AGIS should publicly make available digital cadastral data and ownership information through the net i.e., converting land registry paper−based information to digital information and making it available on−line.This will

- Reduce time for clients to complete the required processing through easy and fast access to cadastral data and land registry information from home or internet cafes.
- Lower costs for clients in the form of fees and information payments to receive data from AGIS land registry there will be greater transparency and fewer opportunities

for bribery

- Decrease workload for AGIS staff which will allow them to focus on transaction registration and backlog reduction as this will contribute to greater transparency, clarity and efficiency of the land administration. There will be less guessing in AGIS office.

AGIS should also adopt online conveyance and land administration for more transparency, simple and cost−effective procedures

6.3.6 Expanding Access and affordable charges

An efficient access to land would represent a pillar of competitiveness in the city. Fees and charges for land administration service should be assessed on the basis of the capacity of users to pay. The key to sustainable poverty alleviation is to enable majority to operate in formal markets like other citizens and not to make the poor dependent on governments but to empower them to increase their security and choices. Bringing majority of people in FCT into the formal land needs a two pronged strategy: increasing the choices available on the supply side and increasing affordability on the demand side. A cost structure in AGIS needs to be applied that is not an undue barrier to the participation and access therefore, the old rate of land charges as of 2008 should be reverted to and more serviced land should be turned out for allocation.

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APPENDIX A

FACULTY OF LAW, AHMADU BELLO UNIVERSITY, ZARIA

QUESTIONAIRE

LEGAL REGIME OF LAND ADMINISTRATION UNDER ABUJA GEOGRAPHIC INFORMATION SYSTEM (AGIS)

Dear sir/ma

The survey is intended for Applicant/Beneficiaries. It is to seek out their perspective on land administration in the FCT. This survey is purely for academic purpose and shall be treated confidentially. Thank you for your cooperation.

LOCATION----------

1. Sex

   1.Male ☐ 2.Female ☐

2. Age

   1. 30 ☐ 2. (30-45) ☐ 3. (46-60) ☐ 4.Above 61 ☐

3. State of origin ----------

4. Occupation

   1.Civil servant ☐ 2.Pulic servant ☐ 3.Business ☐

5. Others, Please specify ----------

6. Have you ever applied for land in the FCT?

   1.Yes ☐ 2. No ☐

   If No, why? ----------

--

7. Do you own any land in the FCT?

   1.Yes ☐ 2. No ☐

   If No, why? ----------

---

8. Where is it located? ----------

---

9. What is the type of Use?

   1. Residential ☐ 2.Commercial ☐ 3.Multi-purpose ☐ 4.Farmland ☐ 5.Institutional ☐

   6. Others please specify ----------

10. When did you acquire it? Year ----------

11. How did you acquire it?
1. Allocation ☐ 2.Market purchase ☐ 3 Transfered by ☐
5. Gift ☐ 6. others, please specify ----------

12. If Allocation, When did you apply? And when was it given Year (---------), (---------)

13. Did anyone assist you before getting it?
1. Yes ☐ 2. No ☐
If Yes how? ----------

14. If Market purchase, what is the source?
1. Income ☐ 2.Mortgage ☐ 3. Personal Saving ☐
4. Loan [ ] 5. Gift[ ] 6. Others please specify ----------

15. What is your monthly income?
1. N20, 000 [] 2. (N20, 000-N50, 000) [ ]
3. (N50, 000-N100, 000)[ ] 4. N100, 000 [ ]

16. How is the procedure of land acquisition?
1. Very easy [ ] 2. Easy[ ] 3. Okay [ ] 4. Difficult [ ] 5. Very difficult [ ]

If difficult, why? ----------

17. Have you paid any fee on your land? 1. Ground rent [] 2.C of O [ ] 3. Premium [ ]

18. If None, why? ----------

19. How affordable are the land administration charges?
1. Very afffordable [ ] 2.affordable [ ] 3. Expensive [ ]4. Very expensive [ ]
If expensive why? ----------

---

20. Have you used your land to access credit/loan before? 1. Yes [ ] 2.No [ ]

If No, Why? ----------

22. Have you been able to take Physical possession of your land? 1. Yes [ ] 2.No [ ]

23. If No, What are the hindrances? (Can tick more than one)
1. Fund [ ] 2. No infrastructure [ ] 3. Cost of processing is high [ ] 4.court case [ ]
5. Double Allocation [ ] 6.Others, please specify----------

24. Have you done the recertification for your land? 1. Yes [ ] 2. No [ ]

If No, why? ----------

25. Is it difficult to gain access to **land before** AGIS? 1. Yes [ ] 2. No [ ]

If difficult why? ----------

26. Is it difficult to gain access to **land Under** AGIS? 1. Yes [ ] 2. No [ ]

If Yes why? ----------

27. How easy is it to access **information Before** AGIS? 1. Easy [ ] 2. Difficult [ ]

If difficult why? ----------

28. Is it difficult to gain access to **Information under** AGIS? 1. Easy [ ] 2. Difficult [ ]

If Yes why? ----------
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29. What is your opinion about the present land administration under AGIS?

APPENDIX B

FACULTY OF LAW, AHMADU BELLO UNIVERSITY, ZARIA

INTERVIEW

LEGAL REGIME OF LAND ADMINISTRATION UNDER ABUJA GEOGRAPHIC INFORMATION SYSTEM (AGIS)

Dear sir/ma

The purpose of this survey is to ascertain the mode of operation of land administration within AGIS. This survey is purely for academic purpose and shall be treated confidentially. Thank you for your cooperation

SECTION A

Name of Department----------

---- Position held in office ----------

SECTION B

1. How long does it take to register property/land transactions?
   1. 1day [ ] 2. 2-7days [ ] 3. 1-2weeks [ ] 4.others please specify ----------
2. Does AGIS have customer surveys to measure customer's satisfaction and hotlines to enable customers report corruption and misconduct? 1. Yes [ ]2 No [ ]
3. What nature of land administration and management function do you perform? -------
4. What are the problems associated with the operations of land administration in your department? ----------
5. Do you believe that land administration under AGIS has improved access to land
   1. Yes [ ] 2.No [ ]
6. Do you consider that land policies/administration could be better coordinated?
   1. Strongly disagree [ ] 2. Disagree [ ] 3. Undecided [ ] 4. Agree [ ] 5. Strongly agree [ ]
7. If so, how? ----------

---

8. To what extent is economic development a priority for your organization?

   1. Top priority [ ]2. High priority[ ] 3 Medium priority [ ]4. Low priority [ ]

9. Circle the areas of land administration in which your organization has a contributing or Participating role:

   1. Supporting land markets [ ]
   2. Resolving conflicts about ownership and use of land [ ]
   3. Providing security of tenure [ ]
   4. Regulating land and property development [ ]
   5. Providing access to land [ ]
   6. Regulating the use and conservation of land [ ]
   7. Gathering revenues from the land through sales, leasing and taxation [ ]
   8. Other (please specify) ----------

10. Do clients willingly come to pay their land dues or are been forced?
    1. Willingly come [ ] 2. Forced by giving time frame to pay [ ]

11. What are the processes of land allocation in the FCT? ----------
    ---
    ---

12. What role does your department play in the process? ----------
    ---

13. How many plots have been tuned out for allocation in the last 5 years? ----------
    ---

14. How do you decide on number of plots to turn out for allocation?
    1. Nos of application [ ] 2. Funds [ ] 3.others please specify ----------
    ---

15. How is the excess application without allocation taken care of? ----------
    ---

16. Do you publish the breakdown of land charges and returns at the end of the year?
    Yes [ ] No [ ]

17. Do you publish what you what you use the returns for? Yes [ ] No [ ]
    If No why ----------
    ---

18. What are the criteria followed for fixing land charges prices.

---

19. Is data generated by AGIS shared with other department and agency within FCDA and FCTA? 1. Yes [ ] 2. No [ ]

20. If yes, how is this achieved? ----------
---

21. If No, why is this so? ----------
---

22. How can the performance of land administration system be improved for management -purpose? ----------
---

23. What are the areas of land administration that needs improvement? ----------
---

24. What is the strategic response of land administration reform under AGIS in reducing land speculation?

---

25. What would you consider the strength and weaknesses of AGIS?

Strength ----------

---------- Weaknesses ----------

---

26. How has the land administration reform protected property rights in FCT? ----------
---

27. What are the checks and balances AGIS is putting to improve services and reduce corruption in the system? ----------
---
---

28. Please give a general comment and remarks.----------

Thank you

APPENDIX C

FACULTY OF LAW, AHMADU BELLO UNIVERSITY, ZARIA

INTERVIEW

LEGAL REGIME OF LAND ADMINISTRATION UNDER ABUJA GEOGRAPHIC INFORMATION

Dear sir/ma

The purpose of this survey is to ascertain the mode of operation of land administration within FCDA. This survey is purely for academic purpose and shall be treated confidentially. Thank you for your cooperation.

SECTION A

Name of Organization ----------

Name of Department----------

Position held in office ----------

SECTION B

1. What are your functions?

   ---

2. How does AGIS affect your activities? ----------

   ---

3. How would you rate the performance of AGIS?
   1. Good 2. Poor
   If Bad, why? ----------

   ---

4. How does AGIS performance undermine your Functions? ----------
   ---
   ---

5. Do you believe that land administration under AGIS has improved access to land? 1. Yes [ ] 2. No [ ]

   If Yes, how----------
   ---------- If No, why----------
   ---

6. Is data generated by AGIS shared with your department? 1. Yes [ ] 2. No [ ]
   If yes, in what ways? ----------

   ---------- If No, why? ----------
   ---

7. Circle the areas of land administration in which your organization has a contributing or Participating role:

a. Supporting land markets
b. Resolving conflicts about ownership and use of land
c. Providing security of tenure
d. Regulating land and property development
e. Providing access to land
f. Regulating the use and conservation of land
g. Gathering revenues from the land through sales, leasing and taxation
h. Other (please specify) ----------

8. In your opinion, what do you think will be the repercussion of the way land is being administered and managed in AGIS on growth and development of the FCT as it related to your department?

---

9. How can the performance of land administration system are improved in a way, that it will boost the Growth and Development of FCT.

---

10. What would you consider the strength and weaknesses of AGIS?
Strength ----------
---------- Weaknesses ----------

11. Please rate the performance of land administration in FCT by ticking (□) the appropriate one

S/N	PERFORMAN	YES	NO
1	**Efficiency &**		
2	**Transparency**		
3	**Equity &**		
4	**Affordability**		
5	**Civic Orientation**		
6	**Accessibility**		

12. Please give a general comment and remarks. ----------

Thank You.

FACULTY OF LAW, AHMADU BELLO UNIVERSITY, ZARIA

INTERVIEW

LEGAL REGIME OF LAND ADMINISTRATION UNDER ABUJA GEOGRAPHIC INFORMATION

Dear sir/ma

The purpose of this survey is to ascertain the mode of operation of land administration and management within FCDA. This survey is purely for academic purpose and shall be treated confidentially. Thank you for your cooperation.

SECTION A

Name of Organization ----------

Location----------

SECTION B

1. How did you access this land for your activities?

   ---

2. Did you acquire it from AGIS? 1. Yes [ ] 2. No [ ]

   If Yes how? ----------

   If No, why? ----------

   ---

3. How long did it take for you to acquire it from AGIS? ----------
   ---

4. Was it Easy or Cumbersome? ----------
   If cumbersome why? ----------

   ---

5. What is the purpose of the land? ----------

   ---

6. did you at anytime applied for change of use for this land? ----------
   ---
   ---

7. What type of land charges has your organization paid on your land ----------
   ---

8. Are they Affordable of Expensive? ----------
If expensive, why?----------
---

9. In your opinion, what do you think will be the repercussion of the way land is being administered and managed in AGIS on Growth and Development of the FCT as it related to Estate Development, housing and rent and in general?

---

10. Does it influence the pricing of your House or rent? ----------
---
---

11. How can the performances of land administration system improve in a way, that it will boost the Growth and Development of FCT and also bring about reduction in rent/cost of housing unit? ----------
---

---

12. What would you consider the strength and weaknesses of AGIS?

Strength ----------

---------- Weaknesses ----------

---

13. Do you think the rule of law has protected property rights in FCT? ----------
---
---

14. Please give a general comment and remarks. ----------

APPENDIX

E Institutional Survey Interview (AGIS)

S/N	Land Administration Issues	Response
1.	Length of time taken to register property/land transaction	1-2 weeks
2.	If they have customer survey to measure customers satisfaction/hotline to report corruption and misconduct	Yes, we have a website but do not have hotline to report corruption and
3.	Problems associated with operations of land administration.	Insufficient professional, lack of qualified man power, forgeries
4.	clients willingness to pay land dues and charges	Compelled by giving time frame
5.	Decisions on number of plots to turn out for allocation	Availability of plots at the point in time, Number of application
6.	How is the excess application taken care of?	They wait until plots are available
7.	Do you publish the breakdown of land charges and returns at the end of the year	No
8.	Do you publish what you use the returns for and if No, why	No, the government and the policy does not permit
9.	Criteria followed for fixing land charges	Land value in the open market, property value and cost of providing infrastructure
10.	Criteria used in plot revocation	Non –development within stipulated time, contravention in terms in the R of O and C of O
11.	How is the revenue turnout on land/taxes in the last recent months	Very low
12.	What effort is the organization putting in providing infrastructure in districts without infrastructure	By increasing the current land charges, and through the implementation of annual budgetary provisions
13.	Basis of land allocation	According to states, number of application and first come first served
14.	How is land managed and allocated in the Area Councils since land administration is centralized within AGIS	No more allocation in the area council
15.	Level of involvement of the pubic in land planning and administration processes	Not much involvement

16.	How often does the management publish up-date information to the public	Frequently
17.	How the performance of land administration can be improved for management	Through up –to-date information system, qualified staff and equipments
18.	Strategic response of the land reform at reducing speculation	Securing the data base and ensuring no fraudulent documents get into the system encourage the opening of new districts and regular allocation.
19.	Strength of AGIS	Speedy processing of land documents (computerized system) and ensuring security of tenure
20	Weakness of AGIS	Forgeries
21	How has the land reform protected property right	Security of tenure
22	Checks and balances AGIS is putting into place to improve services and reduce corruption in the system	Improving staff welfare ,investigating cases, ensuring the security of database, reducing the number of project staff
23	Areas of land administration in which AGIS has a contributing role	Resolving conflicts about ownership and use of land ,providing security of tenure ,regulating land and property development, providing access to land, gathering revenue from land through sales leasing and taxation ,and providing sanity in land transaction
24	Extent to which Economic development priority for AGIS	High priority

Source: Field Survey, 2009